

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

JOHN BARNHARDT

PLAINTIFF

v.

CIVIL ACTION NO: 4:65cv1300

UNITED STATES OF AMERICA

INTERVENOR PLAINTIFF

MERIDIAN MUNICIPAL SEPARATE
SCHOOL DISTRICT

DEFENDANT

TRANSCRIPT OF MOTION TO MODIFY DESEGREGATION PLAN AND FOR
EXPEDITED CONSIDERATION

THURSDAY, AUGUST 11, 2022

BEFORE THE HONORABLE HENRY T. WINGATE
UNITED STATES DISTRICT JUDGE

COURT REPORTER:

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P R O C E E D I N G S

THE CLERK: Roll: John Compton and Lindsey Watson and Jamie Dole appearing on behalf of Meridian School District.

We have John Cusick and Natasha Merle on behalf of Barnhardt -- I'm sorry, Barnhardt and private plaintiffs, as well as plaintiff Roscoe Jones. And we have Attorneys Aria Vaughan and Natane Singleton on behalf of the United States, as well as appearing -- observing is Ms. Washington.

Can you give me your first name again.

MS. WASHINGTON: Tracey.

THE CLERK: Tracey Washington and Robert Markham on behalf of the Carver Community Coalition, as well as Dr. Amy Carter on behalf of the Meridian School District, superintendent.

Did I miss anyone?

Thank you so much. We should begin starting shortly.

THE COURT: All right. Call the case Terri.

THE CLERK: Good afternoon again, everyone. This is Terri Barnes, Judge Wingate's courtroom deputy.

This is Barnhardt, et al., and United States, intervenor, versus Meridian Municipal Separate School District, Cause No. 4:65cv1300.

We have attorney John Compton and Attorney Lindsey Watson appearing on behalf of Meridian School District as well as paralegal Jamie Dole.

1 On behalf of Barnhardt and private plaintiffs we have
2 Attorney John Cusick and Natasha Merle as well as appearing is
3 plaintiff Roscoe Jones.

4 On behalf of the United States, intervenor, we have
5 Attorneys Aria Vaughan and Natane Singleton. Observing today
6 we have Ms. Tracey Washington and Mr. Robert Markham.

7 On behalf of the Carver Community Coalition as well as Dr.
8 Amy Carter on behalf of -- as superintendent of the Meridian
9 Public School District.

10 THE COURT: Good afternoon.

11 Did we miss anyone on that roll call?

12 All right. The answer appears to be no.

13 So then this is a status to see where we are presently and
14 how fast we can get to wrapping up this matter.

15 We had a conference call not too long ago wherein certain
16 matters were discussed.

17 I understand the plaintiffs have some objections to the
18 planned course of action, so can I hear from the representative
19 of the plaintiffs?

20 MR. CUSICK: Your Honor, this is John Cusick on behalf
21 of private plaintiffs.

22 THE COURT: All right. Go ahead.

23 MR. CUSICK: And so we appreciate the opportunity to
24 address the court today.

25 As we indicated at our last status concerns we had some

1 concerns about the procedural nature of the way that the
2 closure happened and then how it was presented to the court.

3 During that hearing we indicated that we were assessing
4 what if any options we were going to take on the proposed
5 motion and then we responded in opposition to that last Friday.

6 And I think, Your Honor, our concerns are straightforward
7 and simple that the District at this point, or the defendants
8 have not met their burden and we'd like to point out just two
9 particular points. And so we raised already one evidentiary
10 objection to the defendant's release on Dr. Carter's affidavit
11 that was offered for the first time less than 24 hours ago in
12 their reply, if it's being offered for the truth of the matter
13 as inadmissible hearsay and which is relied upon in the reply
14 motion.

15 We do not, however, object to the extent the defendants
16 would like to offer that affidavit through the introduction of
17 Dr. Carter as a witness today and then subject to
18 cross-examination and an opportunity for that.

19 In that same vein, as we indicated, we'd also like the
20 opportunity after the presentation of evidence by the
21 defendants to then also have the opportunity to call community
22 members to address the impact on them.

23 And then, second, and we're happy to address any specific
24 questions Your Honor has or go in more detail to our briefing,
25 but at this point, again, it is not clear, based on the record,

1 that the evidence has been presented in a way that would meet
2 the District's burden that it has right now under the consent
3 order and that it has to show before closing the school. From
4 our understanding they have gone forward and already closed
5 that school and are now seeking this court's permission to go
6 forward even though it's happened.

7 And so that, Your Honor, summarizing our primary thoughts
8 and how we would propose to proceed today but obviously we
9 defer to the court. We're happy to answer any questions here
10 if you have any additional suggestions.

11 THE COURT: So let's stay with your suggestions. How
12 would you like to proceed with those suggestions here?

13 MR. CUSICK: Sure, Your Honor. We would first propose
14 that the defendants call Dr. Carter to the stand or the virtual
15 stand, if you will, to introduce her affidavit and any other
16 evidence that they are intending to seek through her.

17 And at that point that would give us an opportunity for
18 cross-examination of Dr. Carter after the direct, and we'd also
19 ask the defendants for any other evidence that they intend to
20 present that could be inadmissible hearsay or not admissible
21 otherwise, that they do so today to give everyone an
22 opportunity and the court to hear that evidence and an
23 opportunity for cross-examination from private plaintiffs or
24 any other party in this matter.

25 Afterwards, and after the presentation of that evidence,

1 we would propose the opportunity for private plaintiffs to call
2 to the stand at least one and no more than three potential
3 community members to discuss the impact of the motion and
4 closure on parents and students that the Carver School served.

5 And then afterwards, to Your Honor's initial point for the
6 status conference, we would be happy to then, after the full
7 presentation of evidence, address arguments on the motion and
8 any questions Your Honor might have throughout or during.

9 And so that's what private plaintiffs would propose, but
10 again defer to Your Honor as well as defendants and party
11 intervenors, United States, have any additional suggestions as
12 well.

13 THE COURT: Let me hear from the defendants.

14 MR. COMPTON: This is John Compton for Meridian Public
15 Schools, Your Honor. We have no problem with having Dr. Carter
16 take the stand and testify as to the matters in her affidavit,
17 if that's what the court would like for the District to do.

18 The District would object to the community members
19 testifying on the impact on students and family members. This
20 is not a -- this is really not a desegregation issue. The
21 District is over 90 percent African American now, and the
22 court -- I don't think that's a decision for the court to make,
23 whether or not it's proper to close this school, since it has
24 no effect on desegregation, or there is no desegregation issue.

25 Thank you, Your Honor.

1 THE COURT: Anybody else wish to be heard on this?
2 Amy Carter?

3 All right. We are going to proceed along the lines
4 proposed by Mr. Cusick.

5 So then let's deal with the testimony of Dr. Carter. And
6 so the defense is calling Dr. Carter; is that correct?

7 MR. COMPTON: Yes. Yes, Your Honor.

8 THE COURT: We have a court reporter. He is maybe not
9 viewable by all of you, but we do have a court reporter who is
10 party to the line.

11 So then let's make sure we keep our voices up so that Fred
12 can discern all the voices and the testimony.

13 So, counsel, why don't you go ahead then and begin your
14 examination of Dr. Carter.

15 MR. COMPTON: Is she going to be sworn in, Your Honor?

16 THE COURT: Yes.

17 And so, Terri, swear in Dr. Carter.

18 THE CLERK: Would you raise your right hand.
19
20
21
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25

1 AMY CARTER,

2 having been first duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. COMPTON:

5 Q. Dr. Carter, for the record, would you state your name.

6 A. Yes. My name is Amy Carter.

7 Q. What is your current position?

8 A. Superintendent, Meridian Public School District.

9 Q. And how long have you been in that position?

10 A. I have been in this position since 2016-2017 school year.

11 Q. Did you have an opportunity to read and review an
12 affidavit dated yesterday?

13 A. Yes, sir, I did.

14 Q. Do you have that, a copy of that affidavit in front of
15 you?

16 A. Yes, sir.

17 Q. The information that is in that affidavit and sworn to you
18 being correct, is it still correct today?

19 A. Yes, sir, it is.

20 Q. Is this information that you have at your disposal as the
21 superintendent of the school district?

22 A. Yes, sir.

23 MR. COMPTON: Your Honor, we would tender the witness
24 for cross-examination.

25 THE COURT: Okay.

1 Counsel? Mr. Cusick?

2 MR. CUSICK: Yes, Your Honor. We anticipate that
3 certainly cross-examination might be a little slightly longer
4 than the direct was because we otherwise have only just
5 received this declaration less than 24 hours ago, and there are
6 several questions that deal with the foundation of some of the
7 points and assertions within it, as well as other documents
8 that were provided to that. So we -- with this in mind, we
9 just ask the court's indulgence for a little bit more leeway
10 with this cross-examination so that we can get to these points
11 because we're not in the traditional bounds of formal discovery
12 where we might have had an opportunity to depose Dr. Carter or
13 had advance notice to go over this in the meantime.

14 THE COURT: Go right ahead.

15 MR. CUSICK: And one other issue, Your Honor, in
16 addition to Dr. Carter's affidavit we'd also like to propose
17 one additional exhibit. It's a letter dated July 7th, 2022
18 that Dr. Carter sent to the private plaintiffs and the
19 Department of Justice. And if it's easier, I'm happy to pull
20 that up on to the screen and then we can share a copy of it
21 with Your Honor after the hearing and the courtroom deputy, if
22 that works for you, or happy to proceed in whatever manner
23 that's necessary. We just have a couple of questions and just
24 wanted to use this because it's the basis that informs how we
25 got here today.

1 THE COURT: Handle the matter as best suits your
2 expected examination.

3 MR. CUSICK: Thank you.

4 THE COURT: Go ahead and start.

5 (Indistinct female voice.)

6 MR. CUSICK: All right. Go ahead.

7 CROSS-EXAMINATION

8 BY MR. CUSICK:

9 Q. Good afternoon, Dr. Carter. It's good to see you again.

10 A. Hello. How are you this afternoon?

11 Q. I'm good, thank you.

12 And so I'm just going to ask some questions about what was
13 included in the defendants' briefing, your declaration, and
14 then some of the conversations that we've had with you over the
15 past couple of weeks.

16 I want to begin and turn your attention first to a letter
17 that is dated July 7th from you to the United States Department
18 of Justice and the Legal Defense Fund. Can you see that on
19 your screen okay?

20 A. Yes.

21 MR. CUSICK: And so I'm showing a copy of that
22 document that perhaps will be marked as Exhibit 1 for
23 identification purposes, Your Honor? If that works.

24 THE COURT: That's fine.

25 (Exhibit D-1 marked for identification only.)

1 BY MR. CUSICK:

2 Q. Dr. Carter, do you recognize this document?

3 A. Yes, I do.

4 Q. And what is it?

5 A. It is a letter that was crafted to the Department of
6 Justice and the Legal Defense Fund on the District's behalf.

7 Q. When you say crafted, does that mean you wrote it?

8 A. Yes. Initially I wrote a letter to our attorneys, and
9 they in turn forwarded the letter to the Department of Justice
10 and the Legal Defense Fund.

11 Q. And I'm now going to Page 2 of the PDF. Is that your
12 signature at the bottom?

13 A. Yes.

14 Q. Is it fair to say that you sent this letter on behalf of
15 the District?

16 A. Yes.

17 Q. And I'll quickly just give you an opportunity to look at
18 the first page and then the second. Is this a fair and
19 accurate copy of that letter?

20 A. Yes.

21 MR. CUSICK: Your Honor, we'd move this letter into
22 evidence.

23 THE COURT: Any objection?

24 MR. COMPTON: No, Your Honor.

25 THE COURT: All right. It is accepted into evidence

1 as, let's see, could this be P-1?

2 MR. CUSICK: That works for us, Your Honor.

3 THE COURT: All right. Then P-1 is admitted.

4 (Exhibit P-1 admitted.)

5 THE COURT: All right. Go ahead.

6 MR. CUSICK: Thank you.

7 BY MR. CUSICK:

8 Q. Dr. Carter, this was the first time that the District
9 informed private plaintiffs of the decision to close Carver;
10 correct?

11 A. According to the date on the letter, yes, sir.

12 Q. At that point, on July 7th, the decision to close Carver
13 had already happened?

14 A. The recommendation to close Carver had already been sent
15 to the Board of Trustees and the Board of Trustees at that time
16 had already approved the recommendation of the District.

17 Q. And that was a recommendation you made?

18 A. Yes, sir.

19 Q. That was a recommendation you made on May 26th, 2022?

20 A. Yes, sir.

21 Q. And they voted unanimously to accept your recommendation?

22 A. Yes.

23 Q. By July 7th the District had already began to inform
24 parents of students' potential reassignment from Carver to one
25 of the other two middle schools; correct?

1 A. Correct.

2 Q. Similarly, they also had plans to hold open houses at the
3 two other middle schools for students from Carver; correct?

4 A. Correct.

5 Q. You began considering the option of potentially closing
6 Carver in approximately February of 2022; correct?

7 A. In February of 2022 we started looking at teacher
8 vacancies. We started looking at return number of contracts.
9 We spoke with the school administration at that time just to
10 see how the District can continue to support school
11 administration in the efforts to fill those vacancies.

12 Q. Was the potential option to close Carver a consideration
13 at that time?

14 A. As a school district with declining enrollment, we have
15 looked across the board at the possibility of consolidating
16 schools. So at that time Carver was one of those schools that
17 we were looking at, along with any other school across the
18 District that had a number of vacancies. The decision to close
19 Carver was not final until we got into late spring.

20 Q. At that time were you considering closing or consolidating
21 one of the other two middle schools, either Magnolia or
22 Northwest?

23 A. We had over the course of the last few years in watching
24 the declining enrollment with Magnolia, because their numbers
25 were declining as well. We also looked at Carver's numbers.

1 We looked at Crestwood Elementary School. We looked at Harris.
2 We've looked at schools across the District because of the
3 declining enrollment numbers.

4 Q. Before your recommendation on May 26, did you meet with
5 parents or community members to outline your proposed
6 recommendation?

7 A. No, we did not. We were hoping that we would be able to
8 fill those vacancies and not have to do any consolidations at
9 this time. We knew that there was a possibility that we would
10 be in a position to go forward with a school bond issue, and so
11 we had been advised that any type of closures or consolidations
12 could hurt those chances. So it wasn't my intention or my
13 desire to close any school prior to going forward.

14 THE COURT: Excuse me, Dr. Carter.

15 THE WITNESS: Yes, sir.

16 THE COURT: We lost connection there for a moment.

17 I don't know if anybody else was affected, but do we have
18 everybody back on the line that was here before?

19 MR. CUSICK: Or I'll ask it another way: Are we
20 missing anybody now? Your Honor, this is John Cusick on behalf
21 of private plaintiffs. We're here, at least everyone else
22 looks visible, but Your Honor's screen went black. I don't
23 know if you can hear us, but we cannot hear you if you're
24 trying to speak. John Compton from Meridian Public School
25 District is still on the call.

1 (Discussion off the recrd about the court having a power
surge.)

2 THE COURT: All right. Let's go back on the record.

3 MR. CUSICK: All right.

4 THE COURT: And, Mr. Cusick, can you pick up from
5 where that spot was?

6 MR. CUSICK: Yes.

7 THE COURT: We're going to keep our IT guy here so
8 that we can try and make the necessary adjustments as fast as
9 possible.

10 I would do it, but I just want him to go ahead and show
11 his expertise at it. And since, you know, we hire him for
12 this, then I want him to feel needed, so I won't go ahead and
13 apply, you know, my considerable knowledge to this matter
14 because he just told me not too long ago how to cut the machine
15 on. But I'm a fast learner. I at least cut it on now.

16 So -- well, maybe I didn't cut it on. Keithfer, do I cut
17 it on? He said I don't cut it on. He's just a hater.

18 But anyway, let's move from that point on, Mr. Cusick,
19 okay?

20 MR. CUSICK: Yes, Your Honor.

21 THE COURT: Go ahead.

22 MR. CUSICK: Happy to, Your Honor.

23 BY MR. CUSICK:

24 Q. Dr. Carter, just to see if I recall. I believe I had
25 asked you whether you sought any community input before making

1 your recommendation on May 26th to the board, and I guess I'll
2 ask the same question again.

3 A. Yes, sir. I was explaining prior to the disconnection
4 that it was not our intention to close any schools for the
5 2022-23 school year. But as with any school district in the
6 state, the nation, many of us are facing challenges with
7 teacher shortages, and so in looking across the board I started
8 to see that I had a large number of vacancies at Carver Middle
9 School, along with it having the lowest enrollment of the
10 two -- of the three middle schools at the time. And so in
11 meeting with the team we started saying if we could collapse
12 some of the required -- some of the classrooms, could we
13 possibly ensure that every child got a certified teacher in
14 front of them? And so as time was going on and we continued
15 our recruitment efforts, late May was when I did make the
16 decision to recommend that Carver close.

17 So your question was originally, did we seek community
18 input prior to that decision? No. My goal was not to have to
19 make that decision. Not for this school year.

20 Q. You would agree it would have been helpful to inform
21 community members in making such an important decision like
22 closing the school before making a recommendation?

23 A. It would have been ideal if we could have had a lift -- it
24 would have been ideal if we could have had some community
25 meetings. Because you always want to involve your community

1 anytime you're making decisions regarding schools, anything
2 that impacts the public.

3 But I will say schools are in unique times right now.
4 Ideally we could be able to go out to the same community and
5 say, hey, we need 25, 30 teachers, and being in this community
6 as long as I have, I've done that. I've reached out and said,
7 Hey, we need tutors, we need teachers, retired educators, but
8 COVID itself kind of had an impact on this and we just got to a
9 point where we went, we're responsible for educating children
10 and making sure we give them every equitable opportunity we can
11 to ensure that they get a quality education. So to put a bunch
12 of substitutes, to continue to pull staff, stretch staff
13 thinner than they were already stretched, I started to question
14 what's more important? And that's ensuring that kids get a
15 quality education from a qualified teacher.

16 Q. Dr. Carter, but it would have been helpful for
17 transparency purposes to seek input from community members;
18 correct?

19 A. What you're saying, transparency is what we pride
20 ourselves on. We didn't hide anything. We had conversations
21 at school board meetings. So being able to -- if we had plenty
22 of time, I would have loved to have had a series of community
23 meetings. I would loved to have been able to say, Hey, guys,
24 we have this, but again, it was trying to make sure we gave
25 every child a qualified teacher prior to the start of the

1 '22-23 school year.

2 I think I talked with the attorneys not long ago and I
3 shared, we still have declining enrollment and we're struggling
4 like other school districts are with vacancies. So I would
5 love it if the next time we have to make a decision like this,
6 we can have a series of community meetings, and I shared that
7 would be my desire going forward.

8 Q. Dr. Carter, my question was just it would have been
9 helpful for transparency purposes; correct?

10 A. Yes.

11 Q. And it would have been helpful because community members
12 might have had unique perspectives at the board or you might
13 not have been aware of regarding a school closure; correct?

14 A. Those community members that have been involved in the
15 school district, yes.

16 Q. And could you explain why it would be beneficial if you
17 were to make a similar decision on why you would want to have
18 community engagement?

19 A. Well, ideally, any community, school districts are a
20 reflection of their community, I'll say that. And so you
21 always want as much input and partnership and engagement as you
22 possibly can. Sometimes you have to make tough decisions. As
23 I shared with the attorneys, and I'll share with this
24 community, I'm a proud educator of Carver Middle School.
25 That's the reason I'm in Meridian Public School District. So

1 if I had my choice, that would have not been the school I would
2 have closed simply because that is where I got my start in this
3 school district. And I always pay homage to my principal who
4 is on call right now.

5 Forgive me for going in that direction, Judge, but I
6 needed to.

7 But ideally you want that engagement, you want that input,
8 but again it came down to these were dire times, we're trying
9 to make sure that every child had a quality teacher.

10 Q. I'll pull it back on the screen. I realize when we went
11 off for a moment that the letter had pulled down. Can you see
12 that again, Dr. Carter?

13 A. Yes, sir.

14 Q. And here, on Page 2, the first sentence I've highlighted,
15 and it reads: The board felt it was educationally sound and
16 made economic and practical sense to close one school, and if
17 you draw attendance zones to support one middle school across
18 the campuses, do you see that?

19 A. Yes, sir.

20 Q. Did you recommend at all during the conversation with the
21 board on the potential of closing one of the other two middle
22 schools?

23 A. Would you repeat your question, sir? I'm sorry.

24 Q. Did you at all during your conversation with the board
25 propose or recommend closing one of the other two middle

1 schools instead of Carver?

2 A. No, I did not. I looked at the enrollment numbers, and I
3 looked at the proposed number of vacancies.

4 Q. So I now want to go down for a moment to the paragraph
5 here at the end, the last sentence that reads the 2021-2022
6 enrollment data of each of the District's middle schools. Do
7 you see that, Dr. Carter?

8 A. Yes, sir, I do.

9 Q. And then at this point if you go down to Carver Middle
10 School and all the way to the right of the column under Total
11 you see 274 students?

12 A. Yes, sir.

13 Q. And then if you go to Magnolia in the middle column and
14 then go all the way -- or the middle row, and then go all the
15 way to the last column you see it says 292 students?

16 A. Yes.

17 Q. And so when was this data produced for the letter dated
18 July 7th, 2022?

19 A. This data was pulled by our data clerk in the District,
20 and so this information would have been pulled at some point
21 during the latter part of last school year. I don't have an
22 exact date before me, I'm sorry.

23 Q. And I know at one point we discussed your ability to teach
24 math, and so you'll have to help me if I mess up here. But the
25 difference in enrollment between Magnolia and Carver is just 18

1 students?

2 A. According to this data, yes, sir.

3 Q. And this is school district data?

4 A. Yes.

5 Q. Do you have any reason to doubt its accuracy?

6 A. No.

7 Q. And then so in the next portion it says the projected
8 middle school enrollment for 2022-2023 is, and then there is a
9 table that follows. Do you see that?

10 A. Yes.

11 Q. Could you explain the process for projecting middle school
12 enrollment?

13 A. The process for projecting middle school enrollment is to
14 be able to plan for the number of teachers that you need at
15 each grade level and each subject to be able to look at the
16 amount of staff members that we need for each grade level. So
17 you basically take the number of students that you have in a
18 current grade and you project or you roll that number of
19 students forward is what you do.

20 And so for us we were looking at vacancies not just at
21 Carver but at all three of our middle schools, and so looking
22 across the board at those vacancies, looking at the fact that
23 if we were to collapse the smallest middle school, we could
24 cover vacancies at the two other remaining middle schools with
25 certified teachers. Because sometimes I would hit classrooms

1 or I would visit classrooms and I would see seven, eight, 10
2 kids in them, but there would be a sub in that particular
3 classroom. And so in that building itself we would collapse
4 those classes and sometimes put the classes together which
5 would not result in any larger classrooms, but at least a child
6 would have a certified teacher before them.

7 Q. And could you explain how the projections, I guess it
8 would be entering sixth graders, was determined, how you would
9 make those projections?

10 A. I'm sorry. They were determined by the previous number of
11 fifth graders that were projected to be promoted to sixth
12 grade.

13 Q. And is it purely based on just the enrolled tenth graders
14 or is that -- are there any estimates?

15 A. It's pretty much the enrolled fifth graders.

16 Q. And I promise I'm not trying to have you do a math test
17 here, but if you add up the total in the 2021-2022 column for
18 Carver, Magnolia and Northwest, my calculation has it coming
19 out to 966 students for all three schools?

20 Do you have that as well?

21 A. Oh, I didn't do the math. I didn't realize I was
22 responsible for doing that.

23 Q. I can represent to you --

24 A. I was waiting on your next question. I'm sorry.

25 Q. I'm happy to represent that to you, but I also -- I know

1 that you have taught math, so I don't want to try to sneak
2 anything by.

3 A. Attorney Cusick keeps reminding me, guys, and I shared the
4 example that because of COVID and shortage in teachers, there
5 was a day where I had to go as superintendent and teach a math
6 class, and I explained to him, I'm typically an English
7 teacher, so he keeps referencing that, and I think people on
8 the call know what he's referencing.

9 I'm sorry. Go back to your question. I'm sorry. I
10 apologize.

11 Q. Sure. The total for Carver, Magnolia and Northwest for
12 the 2022 enrollment as of July 7th totals 967 students?

13 A. Based on your math, I'll take it.

14 Q. Sure. And then the chart for 2022-2023, the total for
15 Magnolia is 469 students and the total for Northwest Middle is
16 574 students. Do you see that?

17 A. Yes, I do.

18 Q. And that combines for 1,043 students; correct?

19 A. Based on your math.

20 Q. And so there is an increase of about more than 75 students
21 from the projections from 2021-2022 to 2022-2023. Do you see
22 that?

23 A. Based on your math, yes, sir.

24 Q. Did you at all conduct any projections of whether those
25 increases would have had greater enrollment at Carver Middle as

1 opposed to Magnolia for 2022-2023?

2 A. No. Based on trend data, we have declining enrollments
3 that are showing up at the feeder schools that feed into
4 Carver.

5 Q. Then is it possible that Carver for the 2022-2023 could
6 have had equal or more student enrollment than Magnolia?

7 A. Based on the declining enrollment numbers that we tend to
8 see at those feeder schools, I would say, not looking at data
9 and not looking at any historical trend information, that that
10 wouldn't happen.

11 Q. But it is possible?

12 A. If I could look at the data I could tell you that, but
13 based on the trend information I wouldn't necessarily agree
14 with that statement, no, sir.

15 Q. Do you have access to that data?

16 A. Not right offhand, no.

17 Q. Is that something you could produce to the court for those
18 trends and projections so we could make an assessment of what
19 the enrollment would be at Carver Middle School for 2022-2023?

20 A. If the court requested that information, we could.

21 Q. I'm going to pull down this document, and I don't know if
22 it's easier, Dr. Carter, for me to pull up your declaration or
23 if you have it in front of you, if that's easier, I'm happy to
24 do whatever works best.

25 A. Whatever you prefer. I can work with it either way.

1 Q. Sure. And so is there anything that you submitted in your
2 declaration that is new information that you could have not
3 otherwise provided in July of 2022?

4 A. No, sir.

5 Q. And so you could have submitted this same declaration in
6 July?

7 A. I believe I could have.

8 Q. I now want to turn to Page 4 of your affidavit, Paragraph
9 9. This begins with Throughout the summer of 2022. Do you see
10 that?

11 A. Yes, sir.

12 Q. And then the fourth sentence begins with On June 16th,
13 2022 the school board president, board secretary and district
14 administration also met with the coalition to hear and address
15 concerns about the consolidation. Did I read that accurately?

16 A. Yes, sir, you did.

17 And I want to clarify for you, attorney, as well as the
18 court, I was not in attendance at that meeting due to the death
19 of my father. So there were district representatives there. I
20 just was not one of them.

21 Q. Sorry to hear.

22 A. Thank you.

23 Q. Even though you weren't there, would this have been the
24 first meeting that school officials and the board had with
25 community members regarding the recommendation to close Carver

1 Middle School?

2 A. Right offhand, I don't know if that would have been the
3 first meeting. I know there were meetings where the coalition
4 attended school board meetings. I also met with a couple of
5 representatives from the coalition. So I don't know if that
6 June 16th meeting would have been the first meeting. I would
7 have to look at a time line to affirm that or deny it.

8 Q. For drafting this paragraph, what did you go back to to
9 recall these dates?

10 A. I went back to dates on my calendar.

11 Q. And did you come across any dates on your calendar meeting
12 with community members about the closure?

13 A. The dates that I included regarding the closure, regarding
14 Carver, regarding facility updates, those are the dates that I
15 included, yes, sir.

16 Q. So it would be fair to say you did not come across any
17 meetings on your calendar before June 16th regarding --

18 A. I didn't -- I'm sorry.

19 I didn't go back and include any board meetings of that
20 nature, no, sir. I just included the meetings that I either
21 had knowledge of or the meetings that I attended.

22 Q. Do you know how many board meetings there were between
23 May 26, the special board meeting, and June 16th?

24 A. Oh, gosh. Right offhand, I don't want to speak for the
25 record how many there were.

1 Q. Would those have all been public meetings?

2 A. Yes.

3 Q. In the first part of the sentence it reads, Throughout the
4 summer of 2022 citizens had multiple opportunities to provide
5 input and express concerns regarding facilities upgrades and
6 changes. Did I read that correctly?

7 A. Yes.

8 Q. And concerns regarding facilities upgrades and changes
9 were not focused on the Carver closure; correct?

10 A. I started off those meetings, and I just simply called it
11 addressing the elephant in the room. And so I felt like it was
12 important to go ahead and address what many people came to the
13 meeting to discuss. So the first meeting I remember addressing
14 it. The second meeting we had representatives there. The
15 third meeting we had a very passionate discussion about it.

16 Q. But the discussion primarily focused on upgrades to
17 Northwest and Magnolia middle schools; correct?

18 A. As well as the rationale for the closure of Carver as well
19 as the upgrades to the other facilities, along with what
20 upgrades would come to Carver's building as well through ESSER
21 funding or COVID relief funds.

22 Q. Including the building of a softball field at the high
23 school?

24 A. Clarify your question, sir.

25 Q. The discussions included the building of a softball field

1 at the high school?

2 A. Yes, sir. That was part of the facility upgrade
3 discussions, yes, sir.

4 Q. And there was no discussion about potentially using funds
5 to address the teacher shortage instead of addressing
6 facilities upgrades; correct?

7 A. None of the -- none of the funding sources that are
8 discussed can be used for personnel. The COVID relief funds
9 can be used for upgrades or to HVAC. The bond funds can only
10 be used for buildings. So none of these funding sources can be
11 used for personnel. And that was not the purpose of those
12 meetings.

13 Q. Roughly, do you know how many students Magnolia holds?

14 A. Roughly, you mean now? Or roughly the enrollment data
15 show roughly around 280, 290ish.

16 Q. And how about at Northwest?

17 A. In Northwest, typically around four-something. Again I
18 can go back to my numbers or the letter that you showed and
19 recite those exact if you need me to.

20 Q. Do you recall how many renovations Carver has had over the
21 past 10 years?

22 A. I know that Carver is the one school that has air
23 conditioning in the middle school gym, but right offhand I
24 can't tell you a list of renovations that have happened at
25 either of the middle schools.

1 Q. Are you expecting upcoming renovations at either Magnolia
2 and Northwest schools?

3 A. Yes.

4 Q. And during those renovations do you anticipate students
5 being housed back at Carver Middle School?

6 A. Possibly.

7 Q. When will those occur?

8 A. We're still working through those timelines and I'm not
9 exactly sure.

10 Q. And so you'll have to reassign some teachers to Carver
11 during that period?

12 A. What we will do is relocate an entire school if there is a
13 need to relocate students. Relocate grades.

14 THE REPORTER: I'm sorry. Say that again.

15 THE WITNESS: What we would have to do is relocate
16 particular grades or wings or students for a particular school
17 if the need arises.

18 BY MR. CUSICK:

19 Q. And is if that need arises there is a possibility that
20 some students at either Magnolia or Northwest Middle School
21 will go to Carver for a certain portion of time?

22 A. That's a possibility. What we would do is relocate that
23 entire grade or that entire wing or school, if need be,
24 depending on the scope of the renovations, and depending upon
25 when they take place.

1 Q. And I want to talk a little bit about the teacher shortage
2 that was discussed. In your declaration you mentioned that's a
3 challenge for schools across the nation; correct?

4 A. Yes.

5 Q. Including district-wide in Meridian?

6 A. Yes.

7 Q. And I know in your declaration you outlined some steps
8 that the district has taken that will recruit teachers;
9 correct?

10 A. Yes, sir.

11 Q. When the teacher -- when the district recruits a teacher,
12 each teacher serves the district, not a particular school;
13 correct?

14 A. Correct.

15 Q. Is there a unique challenge to teachers being hired at
16 Carver compared to other middle schools?

17 A. When you say a unique challenge, what do you mean,
18 exactly?

19 Q. Is it harder to hire teachers at Carver Middle School as
20 opposed to Northwest or Magnolia?

21 A. In some cases. And that same challenge would be prevalent
22 at hiring teachers at Harris Upper compared to a Crestwood.
23 But I will say across the board we found that it tends to be a
24 struggle. So we've offered signing bonuses, a finder's fee,
25 coverage of forces for teacher assistants to go back and become

1 certified. Across our state we're not turning out as many
2 licensed teachers as we did years ago, and so we have been very
3 creative with partnering with Mississippi State and William
4 Carey to do what we call roll-your-own programs to be able to
5 recruit people that can come in and be part of Meridian Public
6 School District. People who live in our city, people who are
7 committed to coming and staying and being here.

8 Q. So is the teacher shortage equal among the three middle
9 schools for recruitment purposes?

10 A. When you say the teacher shortage equals, I would say that
11 this past year we had vacancies at all three of our middle
12 schools in core subjects. It just so happens that Carver had
13 the largest number of vacancies this past year.

14 The past two years, or the two COVID years, the State
15 Department waived requirements and allowed school districts to
16 allow people to teach on emergency license, and so as COVID
17 started to move away, school districts were working diligently
18 to support their educators in getting the requirements in place
19 to become licensed teachers.

20 So it just so happens as we went back and we looked at the
21 data, we saw that we had educators who could not meet that
22 requirement, or educators who relocated for personal reasons,
23 or educators who requested to transfer to other campuses for
24 whatever reason.

25 Q. In your declaration in Paragraph 5 you talk about and you

1 state the district has had particular difficulty with teacher
2 recruitment at Carver Middle School. Do you see that?

3 A. Yes, sir, I do.

4 Q. And so my question is why has there been a particular
5 difficulty with teacher recruitment at Carver Middle School?

6 A. Well, I would say as with any school that struggles with
7 performance, sometimes it's challenging for an educator
8 committing and staying there. Sometimes the engagement or the
9 environment from families is not as active as it may be in some
10 schools. For us at Carver Middle School sometimes the
11 perception or the reputation may not always be as positive at
12 one middle school over the other. And I'm saying these are
13 perceptions simply because I believe my children at Carver are
14 just as intelligent and amazing as the kids at the other two
15 middle schools, but sometimes you tend to fight perception.

16 I need to be blunt and say the perception of hiring
17 teachers to work in Meridian Public School District because of
18 a consent order tends to get in the way when we go to
19 recruitment fairs. Sometimes there are discussions where
20 people will say You don't want to go to Meridian, they've got
21 that federal thing over there. And we've had to counter that
22 and educate people regarding what that is and how it doesn't
23 hinder what we're trying to do to educate children.

24 Q. So I heard you say three factors for the reason why it's
25 particularly difficult, performance, engagement and

1 perceptions?

2 A. Yes.

3 Q. Do I have that right?

4 A. Yes, sir.

5 Q. And so engagement, do you mean engagement with members of
6 the community?

7 A. No, I mean engagement on behalf of parents being actively
8 engaged in supporting their children, making sure they get
9 there on time, making sure when teachers phone and they need
10 support, that they're there. And I'm not being fearful about
11 parents, so I don't want people on this call to get off this
12 and say Dr. Carter was criticizing parents on the call. That's
13 not what I'm saying. I'm just saying sometimes it's easier
14 when you're working in the elementary school or you're
15 perceived to work on a certain side of town that the support is
16 more prevalent than it is on the other sides of town.

17 Q. So just to be clear, one issue why it's particularly
18 difficult with teacher recruitment is because of the perception
19 that there is less engagement with parents at Carver Middle
20 School?

21 A. Yes, that could be one, yes, sir. That is one.

22 Q. And when you said "side of town," what were you referring
23 to?

24 A. Well, sometimes there are perceptions in a community that
25 people tend to think if you live on certain sides of town, that

1 resources are more plentiful, or if you live on certain sides
2 of town and you're educated on certain sides of town, that the
3 quality of education is better. So, again, I believe these are
4 perceptions.

5 Q. Is there a perception that the quality of education at
6 Carver is not equal to the other two middle schools?

7 A. I think it would be -- it would depend on who you talked
8 with or who you spoke with sometimes. That may be a
9 perception. We've tried to ensure that the same opportunities
10 are available for our children at Carver as the other two
11 middle schools. We've worked diligently to try to make sure
12 that course offerings are no different, that reports are no
13 different. We transferred teachers into Carver just to make
14 sure that there were not situations where courses were offered
15 on one side of town and not the other side of town. So we work
16 diligently to make sure that we don't feed into those
17 perceptions of the school district.

18 Q. Is there a perception that the side of town Carver serves
19 is not as affluent as other parts?

20 A. Yes, sir.

21 Q. And that's shared by teachers?

22 A. No. Not from my standpoint. I would say no.

23 And, again, being a teacher at Carver, I saw no
24 difference. And I try to ensure that my staff members don't
25 either.

1 Q. I heard you mention that the district has offered signing
2 bonuses for district hires; is that right?

3 A. Yes.

4 Q. And those were offered prior to the onset of COVID, too;
5 correct?

6 A. Yes.

7 Q. And that's ongoing now?

8 A. Yes. And at times it's as funding is available, yes, sir.

9 Q. How much has the district paid out for signing bonuses to
10 the extent --

11 A. That's information -- I'm sorry. That's information I
12 don't have readily available in front of me.

13 Q. Do you know how many teachers are hired as a result of a
14 signing bonus?

15 A. Again, that's information I don't have in front of me.

16 Q. Would this be information you would be willing to provide
17 the court?

18 A. Sure.

19 Q. Do you recall any teachers being hired as a result of a
20 signing bonus?

21 A. Yes.

22 Q. Do you recall any of them being hired and working at
23 Carver?

24 A. Yes.

25 Q. Do you recall how many?

1 A. No.

2 Q. In the last year, how many teachers have you reassigned to
3 Carver?

4 A. Because we're on the record, I wouldn't want to give a
5 number. I can recall one in particular because it impacted
6 math. And, again, that's my favorite example of when I go into
7 Carver with the math students. So I can't recall most
8 recently -- or the last teacher I reassigned was a math
9 educator, but I can't recall the exact number, no.

10 Q. Just have a few more different categories to go through,
11 Dr. Carter. I want to now focus on transportation, which is
12 described in Paragraph 6 of your affidavit.

13 Let me know when you have that up.

14 A. I do. I have it available.

15 Q. And in the second sentence you claim that the distances
16 these students must travel has been minimally affected. Do you
17 see that?

18 A. Yes, sir.

19 Q. Did you conduct any analysis to assess the impacts of
20 travel on students?

21 A. I got with the transportation department, and what we
22 wanted to know is the number of buses. We also wanted to know
23 the distance, at this point the number of bus stops. We just
24 wanted to make certain that we didn't place any undue burden or
25 hardship on our students that may have walked to Carver at one

1 time but now be transported by bus.

2 Q. Is that a yes, that you conducted assessments?

3 A. Yes, I would say yes. When you said analysis, I didn't
4 want to agree to something that we may not have done, so I gave
5 you particular examples of what we looked at regarding
6 transportation.

7 Q. And those are all written somewhere?

8 A. When you say written, I can jot them down for you. There
9 would have been dialogue or conversation back and forth to make
10 sure that we weren't leaving any stones unturned.

11 Q. Is there some documentation memorializing all those combos
12 and assessments that you and other individuals were making
13 regarding transportation?

14 A. Estimated miles, number of students on buses, bus numbers,
15 bus stops, yes. If that's what you're referring to, I can
16 provide that information for you.

17 Q. That's something you would provide to the court as well?

18 A. Yes, sir, I can.

19 Q. In addition to looking at bus stops, number of buses,
20 estimated miles, did you have any conversations with students
21 or community members for how transportation might impact their
22 ability to go to and from school?

23 A. That came up as a part of some of the discussions in the
24 community meetings, so the goal again was to make sure we could
25 address any concerns. One of the concerns that came up was how

1 would you ensure that students are transported for after-school
2 programs or for extracurricular? And so we made certain. The
3 district had already had a system in place for after-school
4 transportation for students in remedial or tutorial services
5 after school. So we made certain that we could cover any
6 student athletes, you know, in our -- and I'll just say it, in
7 our city students walking after practices or late evenings is
8 not always the smartest, so we have coaches that drive our
9 students home after practices when they need transportation.
10 So we wanted to make sure that all of those pieces were in
11 place. We didn't want a student not to participate in the
12 extracurricular activity because they didn't have
13 transportation.

14 Q. Are all those protocols and policies written down and
15 memorialized?

16 A. They're just practices that a good district does. I mean,
17 our coaches know, they take our kids home.

18 Q. How many coaches, for example, coach the football team?

19 A. Let me think. For the record, middle school football?
20 Maybe two. But I don't want to for the record speak because I
21 don't have that information in front of me about the number of
22 coaches.

23 But typically it's more than one, for sure. Assistant
24 coach, coach, other positions, depending on the sport.

25 Q. You referenced having conversations during community

1 meetings; correct?

2 A. Yes, sir. And taking feedback at those community meetings
3 regarding concerns, yes, sir.

4 Q. But that was after the fact of you making the
5 recommendation?

6 A. Yes. We had already made the recommendation in May, yes.

7 Q. So just for clarification, there was no input from
8 community members regarding the impacts on them before the
9 recommendation was made?

10 A. No, not from community. Those meetings were held this
11 summer.

12 Q. You would agree that a number of students in Meridian walk
13 to school; correct?

14 A. A small number, yes.

15 Q. That includes students at Carver; correct?

16 A. Correct.

17 Q. And a number of students live close to Carver and have
18 been able to walk to school; correct?

19 A. When you say a number, I would say we have some students
20 that live close to Carver and walk to Carver, yes.

21 Q. And the school has a number of public housing units within
22 a couple of blocks of the school; correct?

23 A. Yes, as all of our schools do.

24 Q. Some of those students now would be unable to walk to
25 school as a result of the consolidation; correct?

1 A. Correct. They'll be transported by bus, yes, sir.

2 At some point it's my desire to transport all of the
3 children who desire to have transportation. Right now we don't
4 transport if they live within a mile of the school, but for
5 safety purposes we would like to put them all on buses and make
6 that available for families.

7 Q. So you mentioned that the district had to redo the bus
8 routes; correct?

9 A. Just for the students that attend Carver, yes, sir.

10 Q. Was there any factors or criteria that the district used
11 as they were redoing bus routes?

12 A. Basically the transportation director got with the
13 software company, and they made the recommendations based on
14 the routes.

15 We at the first day of school had one, maybe two calls of
16 students who said a bus stop was too far from their home, so we
17 made those adjustments and will continue to make those
18 adjustments for our families as we're made aware of situations
19 like those.

20 Q. Are you aware whether some Carver students have to walk
21 further to catch a bus than Northwest or Magnolia students?

22 A. Not to my knowledge, no. I mentioned that we did get one,
23 maybe two calls. I know we got two, of a parent who said the
24 bus was four blocks from their home, and the transportation
25 director made that adjustment the first day of school. And we

1 pushed the stop closer to the home because, again, this was not
2 to cause any hardship to our families, so we'll do what we need
3 to do to accommodate as they make us aware.

4 Q. Have you become aware of some former Carver students now
5 having to walk more than a mile to catch a bus?

6 A. Not to my knowledge, other than just the two that we were
7 made aware of. But we will continue to touch base with
8 families and make sure they know we're prepared to make any
9 adjustments as needed.

10 Q. Are you aware of some former Carver students being told
11 there isn't a bus in their area yet?

12 A. No, I'm not aware of that.

13 Q. In your declaration it is -- the sentence that begins on
14 the last line of Page 2, it says, Students reassigned from
15 Carver to Magnolia have a route increase by no more than
16 3.5 miles. Do you see that?

17 A. Yes.

18 Q. Did you make this calculation?

19 A. No. That calculation was provided to me by our
20 transportation department.

21 Q. Do you know whether students who live in the Western
22 Garden Apartments will have to travel more than 3.5 miles?

23 A. I don't know right offhand. I'd have to look. Wouldn't
24 have a problem Googling it now if I needed to.

25 Q. So I know we talked a little bit about extracurricular

1 activities. Outside of coaches providing opportunities for
2 students, if a practice or game goes late, has the district
3 taken steps to have buses available for students who were
4 previously at Carver, for them to go back?

5 A. Yes, sir. That is how we transport any students in
6 extracurricular activities, by bus. So yes, buses are
7 available.

8 Q. How many buses?

9 A. I don't know right offhand. It depends on number of
10 sports at the time, which sports are going back and forth.
11 Each one of the sports have a bus assigned to them at the time
12 to transport their students as needed.

13 Q. What time are the buses available?

14 A. They're available after school from whatever time the
15 coaches meet.

16 Q. And so the buses' availability is dependent upon the
17 coaches' requests?

18 A. It's dependent on whatever time coach ends his or her
19 practice, yes, sir.

20 Q. And now I want to talk about Paragraphs 7 and 8 in your
21 affidavit, Dr. Carter. And specifically in Paragraph 7 it
22 explains how consolidation has allowed the district to
23 accomplish certain goals. Do you see that?

24 A. Yes, sir, I do.

25 Q. And as one, you mentioned the ability to hire three

1 counselors at both Magnolia and Northwest Middle School;
2 correct?

3 A. Correct.

4 Q. You would have also been able to hire three counselors at
5 two schools if Carver had remained open in either Magnolia or
6 Northwest if the school is consolidated; correct?

7 A. Would you repeat your question? I'm sorry.

8 Q. You would also have been able to hire three counsels --
9 counselors at two middle schools, including Carver, if instead
10 Magnolia or Northwest Middle School was consolidated; correct?

11 A. Correct.

12 Q. And in the second portion you say all middle school
13 students now have access to licensed quality teachers for the
14 entire year; correct?

15 A. Correct.

16 Q. This, too, would be true if Carver remained open and
17 either Magnolia or Northwest Middle School was consolidated;
18 correct?

19 A. Correct.

20 Q. And then the last one says former Carver students have
21 access to courses at Magnolia and Northwest that were not
22 available at Carver; correct?

23 A. Correct. And by licensed teachers, yes, sir.

24 Q. And if Carver remained open and absorbed resources from
25 either Magnolia or Northwest, that statement would also be

1 true, that they would have access to courses that were
2 previously at Magnolia or Northwest Middle School?

3 A. Correct. As long as we were operating two middle schools.

4 Q. And now if you just want to take a moment to just review
5 for yourself Paragraph 8.

6 Please let me know when you have had an opportunity to
7 review that, Dr. Carter.

8 A. I have.

9 Q. And all of these additional supports for a smooth
10 transition would have been available to students transitioning
11 from Magnolia or Northwest if Carver absorbed one of those
12 through consolidation; correct?

13 A. As long as we were operating fewer middle schools, yes.

14 Q. And so all the benefits in Paragraphs 7 and 8 would have
15 applied equally to Carver if that school had remained open and
16 absorbed either Northwest or Magnolia Middle School; correct?

17 A. Correct. Yes.

18 Q. Just a few final questions, Dr. Carter.

19 As of Monday Carver Middle School has been officially
20 closed?

21 A. As of Monday Carver Middle School is not housing students,
22 no.

23 Q. And students are now being assigned based on the
24 attendance zone maps that you provided to the court?

25 A. Yes, sir.

1 MR. CUSICK: Those are all the questions I have.
2 Thank you again, Dr. Carter. And appreciate the court's
3 indulgence for allowing me to have that flexibility.

4 THE COURT: All right. Any additional questions to
5 the witness?

6 MR. COMPTON: John Compton for the school district.
7 No, Your Honor. We'd ask that the affidavit of Dr. Carter be
8 admitted into evidence.

9 THE COURT: Any objection?

10 MR. CUSICK: No objection.

11 THE COURT: To the introduction of the document?
12 There is no objection, so the document will be admitted, but I
13 thought that was P-1. Wasn't that P-1?

14 MR. COMPTON: That was the letter that Mr. Cusick had,
15 Your Honor.

16 THE COURT: All right. So what document are you
17 talking about now?

18 MR. COMPTON: The affidavit that was attached to the
19 defendants' reply in support of motion to close Carver School.

20 THE COURT: Okay. That's what exhibit number?

21 MR. COMPTON: D-1.

22 THE COURT: All right. D-1.

23 There is no objection to D-1?

24 MR. CUSICK: No, Your Honor.

25 THE COURT: All right. D-1 is admitted.

1 (Exhibit D-1 admitted.)

2 THE COURT: Now, any other questions to Dr. Carter?

3 MR. COMPTON: None by the school district, Your Honor.

4 John Compton.

5 THE COURT: Okay. Thank you.

6 MR. CUSICK: John Cusick, none by private plaintiffs.

7 THE COURT: Okay.

8 MS. VAUGHAN: Aria Vaughan for the United States, none
9 from us.

10 THE COURT: All right. Then on your suggestion as to
11 proceeding, Mr. Cusick, you said that you wanted to explore
12 other evidence that might bear on this matter. What evidence
13 are you talking about?

14 MR. CUSICK: That's right, Your Honor. Any other
15 evidence that the defendants intend on introducing for the
16 purposes of this motion, we would just ask that they would
17 present it, if there is anything else, through witnesses, but
18 other than that, Your Honor, we have at least one community
19 member that we would seek to have a brief direct examination of
20 about the impact of the closure and offer that into evidence.

21 THE COURT: So let me turn to the defense first, to
22 inquire whether the defense has any more evidence to bear on
23 this matter.

24 MR. COMPTON: No, Your Honor.

25 THE COURT: Okay. Then let's move on to -- well, any

1 other party has any other matters that bear on this matter?

2 MS. VAUGHAN: Nothing from the United States, Your
3 Honor.

4 THE COURT: I saw you shaking your head, but you
5 didn't say anything. Okay.

6 Now, then, so that brings us up now to the witness.

7 Mr. Cusick, you said you have one witness.

8 MR. CUSICK: Yes, Your Honor. My colleague, Natasha
9 Merle I'll turn to, who will be conducting that direct
10 examination.

11 THE COURT: All right. Is counsel ready to conduct?

12 MS. MERLE: Yes. Good afternoon, Your Honor. This is
13 Natasha Merle.

14 THE COURT: Good afternoon.

15 Who will be the witness?

16 MS. MERLE: I want to first to start with Ms. Jennifer
17 Dove. I know she was having issues with her child in picking
18 up her child from school, but, Ms. Jennifer, if you're
19 available now, can you turn on your camera?

20 And if not, Your Honor, we'll move to the next the witness
21 until Jennifer is available.

22 Jennifer, are you available?

23 MS. LOVE: Yes, I am.

24 MS. MERLE: Can you hear me?

25 THE COURT: Are you on the telephone?

1 MS. LOVE: Yes, ma'am. Can you hear me?

2 MS. MERLE: Yes, I can hear you. Can you hear her,
3 Your Honor, as well?

4 THE COURT: I can.

5 MS. LOVE: Okay.

6 MS. MERLE: You're freezing up.

7 THE COURT: Ms. Merle, you want to start your
8 examination then?

9 MS. MERLE: Yes. Do you want to swear in the witness,
10 Your Honor?

11 THE COURT: That's why I was asking are you ready to
12 start with her.

13 MS. MERLE: Yes, sir.

14 THE COURT: Okay. Then, Terri, swear in the witness.

15 JENNIFER DOVE,
16 having been first duly sworn, testified as follows:

17 THE COURT: Say it again. I heard part of that.

18 THE WITNESS: Yes, sir.

19 THE COURT: Okay. Ms. Merle, you ready to start.

20 MS. MERLE: Yes, Your Honor. Thank you.

21 DIRECT EXAMINATION

22 BY MS. MERLE:

23 Q. Jennifer, can you introduce yourself to the court, please?

24 A. My name is Jennifer Dove, and my son was recently in the
25 sixth grade at Carver Middle School.

1 Q. And so you reside in the City of Meridian then?

2 A. Yes, ma'am.

3 Q. And you said your son was a student at Carver?

4 A. Yes, ma'am.

5 Q. And what school is your son assigned to now?

6 A. Magnolia Middle School.

7 Q. And did your son start attending Magnolia Middle School on
8 Monday when the school year started?

9 A. Yes, ma'am, he did.

10 Q. And were there -- did you or your son -- were there any
11 transportation difficulties for his attendance -- or this week,
12 going to Magnolia?

13 A. On Monday, as I got ready -- I took him to school Monday
14 morning, and I went in the office, I waited for at least about
15 30 minutes, and then the assistant principal came out because I
16 was having transportation issues from him getting to the house
17 to Magnolia. And so the assistant principal, she finally came
18 out and she had told me he was going to have to walk to South
19 Washington Court to catch the bus, which was not going to be
20 safe, and that was going to be like a 20-minute walk for him.

21 Q. And so --

22 A. And so they told me that I had to move.

23 Q. Jennifer, are you still there? I think we lost her.
24 Jennifer?

25 A. Yes, ma'am. Can you hear me?

1 Q. Yes.

2 A. Sorry about that.

3 And they told me I had to go to the superintendent office
4 so I went to the superintendent office, but the superintendent,
5 when they wasn't letting no one in on Monday, so they told me
6 to call back at 3:00 o'clock Wednesday. So I just went back up
7 to the school, and when I went back up to the school she was --
8 the assistant principal was still telling me the same thing.
9 So I dropped him off Tuesday, and so Tuesday when they got out
10 of school, she was like he going to have to ride the bus with
11 the high school students, which was fine with me, but he
12 still -- is still from my house to Davis Port, that's still
13 like maybe two or three blocks where he have to go and catch
14 the bus at.

15 Q. So just backing up a little bit. So on Monday was there a
16 bus to come pick up your son?

17 A. No, ma'am.

18 Q. Okay. And so -- and then on Tuesday there was also not a
19 bus to come pick up your son?

20 A. No, ma'am. I dropped him off.

21 Q. And then am I correct that you said you were informed that
22 for your son to get the bus, he would have to walk. You said
23 it was about a 20-minute walk to get the bus?

24 A. Yes, ma'am.

25 Q. Okay. And is it your current understanding that your son

1 will have a bus, but he'll ride the bus with the high school
2 students?

3 A. Yes, ma'am, now.

4 Q. Okay. And were you -- when did you learn that Carver was
5 closing?

6 A. Maybe it was about the middle of July when I really found
7 out.

8 Q. Okay.

9 A. Because I don't really be active on social media. And
10 they say that's where they had it located at.

11 Q. Okay. So you didn't hear from the school other than
12 through social media?

13 A. That would be it, yes, ma'am.

14 Q. And did you have concerns -- or what was your -- how did
15 you feel about Carver closing?

16 A. Well, it was kind of, because I was -- it put me in the
17 middle of a hard rock because I do traveling nursing, and so
18 then by that point I had to try to find someone to take my son
19 to -- back and forth to school, when Forest say he was close to
20 home and he had a ride to take him to school and pick him up.

21 Q. And then was there -- did you have any feelings about
22 Carver closing? Was it important the school remain open to you
23 for any reason?

24 A. Well, it really was because I --

25 THE REPORTER: I can't understand her. I'm sorry.

1 Please speak into your phone.

2 THE COURT: Would you repeat that, please?

3 A. I said that I have been to that school, I have sisters and
4 brothers and nieces and nephews that have been to Carver, so
5 that was my history thing. Because when I graduated from high
6 school in 2003, they ended up closing Kate Griffin. So I had a
7 history with Kate Griffin also. So here it is now another
8 school closing that I have history with.

9 MS. MERLE: Okay. That's all we have for Ms. Dove.
10 Thank you very much.

11 I don't have any further questions, Your Honor.

12 THE WITNESS: Yes, ma'am.

13 THE COURT: Okay. Then any cross-examination of this
14 witness?

15 MR. COMPTON: Yes, Your Honor. John Compton for the
16 school district.

17 CROSS-EXAMINATION

18 BY MR. COMPTON:

19 Q. Ms. Dove, how did your son -- how was he transported to
20 school last year?

21 Ms. Dove?

22 THE REPORTER: Looks like she's muted.

23 A. Okay. I'm sorry about that. I didn't know I was muted
24 still. But he was a car rider because by us staying on Davis
25 Street, they're saying that that was close to Carver, so it

1 wasn't a bus that picks up.

2 Q. Were you within a mile of the school when you lived on
3 Davis Street?

4 A. The school was like maybe three -- two, two or three miles
5 at the most. I'm two or three miles at the most from Carver.

6 Q. And they didn't provide a bus for you last year?

7 A. No, sir. They have never provided a bus over this way. I
8 never understood that.

9 Q. Okay. All right.

10 MR. COMPTON: I have no further questions, Your Honor.

11 THE COURT: Any additional questions?

12 MS. VAUGHAN: This is Aria Vaughan for the United
13 States. No questions from us.

14 THE COURT: Okay. All right. Is there another
15 witness?

16 MS. MERLE: Yes, Your Honor. I would like to call
17 Ms. Tracey Washington.

18 THE COURT: Miss Casey Washington?

19 MS. MERLE: Ms. Tracey.

20 THE COURT: Tracey. All right, Ms. Tracey Washington.

21 THE WITNESS: Yes.

22 THE COURT: Ms. Washington, are you on the line?

23 Yes, I see. Okay. You can start the questioning.

24 MS. MERLE: Okay.

25 Ms. Washington, can you introduce yourself?

1 THE REPORTER: She needs to be sworn in first.

2 THE COURT: That's right. She needs to be sworn in.

3 Terri, would you swear her in?

4 THE CLERK: Would you raise your right hand, please.

5 TRACEY WASHINGTON,

6 having been first duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. MERLE:

9 Q. Thank you, Ms. Washington. Can you introduce yourself to
10 the court, please.

11 A. My name is Tracey Washington and I am with the Carver
12 Community Coalition here in Meridian, Mississippi.

13 Q. And do you reside in Meridian, Mississippi?

14 A. Yes, I do.

15 Q. And what is the Carver Community Coalition?

16 A. The Carver Community Coalition is a group of concerned
17 citizens, parents, retired teachers and former students of
18 Carver that actually formed when we were notified via media
19 that Carver was scheduled to be closed with the consolidation
20 of the middle schools in Meridian Public School District.

21 Q. Okay. And so the organization, the Carver Community
22 Coalition, had formed in about June -- May or June of this year
23 then?

24 A. Yes, in June.

25 Q. Okay. And can you describe again your membership. I know

1 you mentioned that it's some former students. Can you describe
2 your membership for the Carver Community Coalition?

3 A. It's a cross-section of the community. We have parents,
4 we have residents of the neighborhood. There are retired
5 teachers, other community stakeholders, and, you know, we're
6 open to anyone in the community that would like to be a part,
7 that have concerns about the closing of Carver.

8 Q. And when you say community, what area of town do most of
9 your members reside, or where are they located? Where do they
10 pool from?

11 A. Well, the majority of the members of the coalition -- it's
12 from all over the city of Meridian, but we do have a number of
13 them that reside in the proximity of the school. Within the --
14 Carver is represented in Ward -- they represent students in
15 Ward 3 and Ward 4, yes.

16 Q. And when the coalition learned of the closing of Carver,
17 what was the first thing the coalition, that your organization,
18 did?

19 A. Well, when we initially found out about the closure, there
20 were a lot of questions and concerns from the community.

21 Mrs. Melba Clark Payne actually wrote a letter to Dr. Carter
22 sharing some of those concerns and requested to have a meeting.

23 Q. And did you have a meeting, or did the coalition have a
24 meeting with Mrs. -- with Dr. Carter?

25 A. Well, Mrs. Clark Payne and myself had a meeting with

1 Dr. Carter, yes.

2 Q. And when was that meeting?

3 A. That meeting was June -- June 6th or -- June 6th, I think.

4 Q. Okay. During that meeting, what was discussed?

5 A. Well, we addressed the letter that Mrs. Clark Payne had
6 written, and Dr. Carter explained that the reason for closing
7 the school was that there was declining enrollment, as she had
8 said earlier, and also that they were unable to fully staff
9 Carver for the upcoming school year.

10 Q. Was there any conversation -- was there any conversation
11 concerning declining enrollment throughout the District as a
12 whole?

13 A. It wasn't necessarily discussed at that meeting. We were
14 particularly concerned about -- about Carver, and which it was
15 I think common knowledge that there was a general enrollment
16 decline across the district, yes.

17 Q. Okay. And was there any conversation at this meeting then
18 about the teacher shortage and any ways to address that?

19 A. Not at that meeting. Dr. Carter was aware that the
20 coalition was having a meeting of members actually later that
21 evening, so she was -- had opportunity -- she was unable to
22 attend, but she did want to speak to us so that we would be
23 able to, you know, let the group know that we had talked to her
24 and that she had given her reasons for her recommendation to
25 the board.

1 Q. Was this any conversation concerning closing any of the
2 other two middle schools on the other side of town?

3 A. No. The decision was that Carver was closed.

4 Q. Okay. After that meeting, what did the coalition -- or
5 what did you do?

6 A. Later that evening we did have a meeting, that initial
7 meeting with the coalition, and we relayed Dr. Carter's
8 response, and the coalition decided that there were still more
9 questions that we did not have answers to and felt that the
10 community should be able to ask the questions. So we decided
11 to move forward and have a community-wide meeting where we
12 invited parents and any community residents to be able to share
13 their concerns. We did also invite representatives from the
14 school board, and there were -- Sally Gray and Ron Turner
15 represented the school board. Dr. Carter was not present, as
16 she had said earlier, and there were other members from the
17 district, from administration.

18 Q. And did you testify a minute ago that in the audience
19 there were parents and retired -- or who was in the audience?
20 Was it parents or other people as well?

21 A. There were -- there were parents, aunts, uncles,
22 grandparents. A lot of them had either children that were
23 scheduled to go to Carver or some of them had actually gone to
24 Carver themselves. Also, residents who live in the area that
25 were also concerned what was going to happen with the building

1 if the school closed. So we had -- there were a little over a
2 hundred people in attendance, but that was inclusive of the --
3 also of the administration members that attended.

4 Q. And at that meeting were concerns about closing Carver
5 raised?

6 A. Yes, there were. A number of concerns. Parents were
7 concerned about transportation, as was mentioned. They were
8 also concerned about safety for the students and being able to
9 get to whatever school they were going to be going to back and
10 forth. We had asked and made them aware. They did not know
11 that Carver was the newest of the three middle schools, so
12 there was some concern or question why Carver was the one that
13 would be closed because it was not as old and did not need as
14 much repair as Northwest or Magnolia.

15 There was concern about no community engagement, and that
16 the decision was unilateral. They did not ask for any input or
17 any parents.

18 Dr. Carter had shared that there was -- she had a focus
19 group with some students, but the parents were concerned that
20 she didn't copy any parents. That how could students then be
21 allowed to make that kind of -- to have that kind of impact on
22 the decision?

23 And we just were -- Carver actually -- closing Carver
24 would leave no middle school on the west or the south end of
25 town. So we were concerned that there would be no middle

1 school that would represent really half of the city. And the
2 parents were concerned that they would -- why would the school
3 on, you know, the black side of town be closed and then they
4 would leave the other two schools, which are two miles apart,
5 open? And that is considered to be more of where the white
6 residents of Meridian live.

7 Q. So I want to break that up a little bit.

8 A. Okay.

9 Q. You said that concerns concerning why Carver, when it was
10 one of the newest of the middle -- or it was the newest of the
11 schools. Was that -- did the district or the board have any
12 response to that?

13 A. No, not to that. Not to that issue.

14 Q. You said there was also raised why close Carver, which is
15 the only so school that serves the south and west side of town
16 when there's two schools near each other on the northeast side
17 of town. Was there any response from the school district or
18 school board about that?

19 A. Not regarding that direct question.

20 Q. You also mentioned that there was concern about why there
21 was any community involvement expressed, you know, why the
22 community didn't have an opportunity to weigh in. Was there
23 any response from the school district or the school board as to
24 that?

25 A. Mrs. Gray did respond to that question, as president of

1 the school board. She did mention that -- she said that she
2 took full responsibility as president of the board, that they
3 did not consult the community, but if they had to do it any
4 other way, that they would still make the same decision.

5 Q. Did that -- was there any discussion about closed -- was
6 there any discussion about possibly closing Magnolia or
7 Northwest during this meeting?

8 A. No. The only reasons that were given were consistently
9 the same, that there were -- it was declining enrollment, and,
10 also, they didn't have enough certified teachers.

11 Q. And was it discussed whether -- if one school had to be
12 closed to pool resources, why that couldn't be one of the two
13 schools near each other on the northeast side of town?

14 A. It was -- we did ask -- well, one of the parents -- one of
15 the attendees did ask that, why the district was not able to
16 reallocate resources if they closed another school than to just
17 move -- to keep Carver open than to just move those -- move
18 those teachers and that staff so that Carver would then -- we
19 would still have two fully staffed schools. But, you know, the
20 difference between the two schools with the projected
21 enrollment was not that great, but we were just told that
22 Carver was chosen because they had the lowest projected
23 enrollment.

24 Q. After this -- I'm sorry. Was this the first meeting -- as
25 far as you are aware, was this the first meeting that the

1 school district or the school board had with the community
2 about the closing of Carver Middle School, as far as you're
3 aware?

4 A. As far as I'm aware, because we -- Carver Community
5 Coalition actually organized that meeting, and we extended the
6 invitation for them to attend.

7 Q. And as far as you're aware, has there been any follow-up
8 to address the concerns that was raised at that meeting by the
9 school district or the school board?

10 A. The specific questions that we asked, that I reiterated
11 earlier, were not specifically addressed. Again, because
12 the -- there were bond presentation meetings, that was end of
13 June, June 28th, and then there was one at the end of July, and
14 then the August 2nd, but -- that Dr. Carter had mentioned.
15 There she did actually say that, you know, we were -- she
16 addressed the elephant in the room as far as Carver is
17 concerned, but the architect actually ran the presentation, so
18 there really was no discussion about Carver since it was not
19 included with renovations for the bond issue.

20 Q. And you mentioned that community members or the
21 coalition -- I'm sorry. You mentioned that the coalition
22 thought it would have been important for the school district to
23 consult the community, is that accurate, before the closure?
24 Isn't that accurate?

25 A. Definitely. Because Carver -- Carver is an institution,

1 Carver Middle School is an institution for the black community
2 of Meridian. And as far as -- and the community of Meridian.
3 And there really was no -- there was no discussion, there was
4 no input, they didn't ask nor to say we're considering closing,
5 would you -- you know, there was no -- they did not let us know
6 that there was any issue of a teacher shortage. I mean, there
7 had not been any type of outreach to the community as far as
8 the concerns that Dr. Carter had shared.

9 Q. And so if the school district had reached out to the
10 community perhaps as a community meeting, as an example, do you
11 think that would have made a difference?

12 A. Well, they would have provided some transparency. I know
13 that there had been times that community members have assisted
14 in recruiting professionals to move to Meridian. I'm sure it
15 would not have been any different if there was the need to
16 recruit teachers. We have had -- and current doctors here,
17 they recruit, recruit doctors and lawyers and other
18 professionals to come here.

19 There is a vast network of community of members in our
20 community who would be able to reach out and to, you know, use
21 those contacts. But, again, there was no -- no outreach was
22 made to the community.

23 Q. And why, why is Carver important to the coalition and to
24 the community?

25 A. Well, as I said, it is -- Carver actually was the black

1 junior high school, you know, when we were operating the two
2 districts. The district actually authorized a black junior
3 high school to be built. The school was authorized in 1959 and
4 the building -- the school was built in '66; the students moved
5 in in '67. So it is -- it has meant a lot to that community.

6 We have many -- and as far as the citizens who say that
7 it's weird, you know, just emotionally attached to the building
8 is really what it represents to us, and the fact that it is
9 servicing an entire half of the town. And most of those
10 students currently do reside in public housing.

11 Q. Okay. Does your organization, the Carver Community
12 Coalition, does it have any plans, you know, whether the court
13 decides the school can close or that the school has to remain
14 open, does your organization have any plans for Carver going
15 forward?

16 A. Well, the district made the determination that Carver will
17 be used for a central office, but our organization is
18 definitely deciding that we will continue really to be -- to be
19 a watchdog and a supporter of the district and the school
20 board. We have of a lot of concerns, particularly that there
21 is no representative on the school board who comes from Ward 3
22 or Ward 4, which is where Carver resides. And that is
23 something that we would take up with the mayor, but there are a
24 lot of concerns.

25 And we also, with us having a number of retired teachers,

1 they have offered to -- to be able to be of assistance to any
2 of the schools that are in the west and south side areas. So
3 after, you know, we -- you know, there was a bond election, so
4 now that that's over, we're going to kind of shift in reaching
5 out to the district and the other principals for that.

6 Q. Thank you, Ms. Washington.

7 MS. MERLE: That's all I have, Your Honor.

8 THE COURT: All right. Any questions from anyone else
9 to her?

10 MR. COMPTON: Yes, Your Honor. John Compton with the
11 school district.

12 CROSS-EXAMINATION

13 BY MR. COMPTON:

14 Q. Ms. Washington, how many members are in the coalition?

15 A. We have on average about 25 people that have attended our
16 weekly meetings. We have an additional number of supporters
17 who are unable to attend weekly meetings that we keep in touch
18 with via telephone and text.

19 Q. And of this group, how many are current parents of
20 students that would be attending Carver?

21 A. Of the group -- of the group that's currently attending or
22 that are just interested members that participate that come
23 weekly?

24 Q. Yes, ma'am.

25 A. Okay. We probably -- there are at least 10.

1 Q. Okay. Did you attend Carver?

2 A. I did not.

3 Q. Okay. And you previously testified that your group, the
4 coalition, wants to support the Meridian Public School
5 District; is that correct?

6 A. Could you repeat that, please?

7 Q. I said in your previous testimony you stated that the
8 coalition wants to support the Meridian Public School District.

9 A. That is correct.

10 Q. But isn't it true that your coalition actively opposed the
11 recent bond election?

12 A. We most certainly did because of the lack of transparency
13 in how the bond was put out to the -- the information from the
14 bond was not forthcoming to the community, and the fact that
15 even though it was for capital improvements, there was no --
16 there were no measures or any discussion of academics, and that
17 is apparently a major concern to the community.

18 Q. Did you attend any of the meetings that were held for
19 discussions on the bond issue?

20 A. Yes, I did.

21 Q. How many of those meetings did you attend?

22 A. Two of the three.

23 Q. Okay. And Magnolia Middle School has always been a black
24 majority school, has it not?

25 A. That's -- I am not aware if it has always been a majority

1 black school.

2 Q. It's in a minority neighborhood, is it not?

3 A. It is -- it is in a minority neighborhood; however, it
4 also pulls from students that are right outside of the
5 neighborhood. There are a number of white residents that
6 live -- or that did -- that lived in that area, that were zoned
7 for Magnolia.

8 Q. But before -- do you know that before desegregation that
9 Magnolia was the school for African American students?

10 A. I am well aware, yes.

11 Q. Okay.

12 MR. COMPTON: I have nothing further, Your Honor.

13 THE COURT: Did the bond issue pass or fail?

14 MR. COMPTON: It passed, Your Honor, with I believe
15 68 percent support.

16 THE COURT: And when was that?

17 MR. COMPTON: That was held this past Tuesday.

18 THE COURT: And was there an organized resistance to
19 the bond?

20 MR. COMPTON: I saw television ads and billboard ads
21 paid for by the Carver Coalition.

22 THE COURT: And what was the stated and intended
23 purpose of the bond issue?

24 MR. COMPTON: Dr. Carter probably can speak to it
25 better than I can, Your Honor. But it was different upgrades,

1 security. There is going to be a baseball and softball complex
2 built on Meridian High School campus. There is no baseball or
3 softball facility for Meridian High School students. They use
4 Parks and Recreation facilities. But this will be on the high
5 school campus.

6 And if you want more particular information, I'm sure
7 Dr. Carter will be able to provide that.

8 DR. CARTER: Your Honor, if I may.

9 THE COURT: Dr. Carter.

10 DR. CARTER: Yes, sir. The bond issue will also cover
11 upgrades to our client labs, to our media, library media
12 centers, to our auditoriums, to our playgrounds on all of our
13 elementary campuses. The last time the District issued a bond
14 issue was back in 2008, and the average age of our buildings
15 range between 50 and 60 years old. So the goal again is to
16 upgrade our facilities across the district, with the number one
17 priority being safety and security, and the second part, of
18 course, along with safety being academics, and then the third
19 part is being athletic facilities on campus.

20 THE COURT: What is the amount of the bond issue?

21 DR. CARTER: It's a 34 million-dollar no tax increase
22 bond issue.

23 THE COURT: 34 million?

24 DR. CARTER: Yes, sir.

25 THE COURT: Payable over how long?

1 DR. CARTER: I'm sorry, Your Honor. I didn't hear
2 your question. I apologize.

3 THE COURT: Payable over how long?

4 DR. CARTER: Paid for over how long?

5 THE COURT: Payable over how long?

6 MR. COMPTON: Your Honor, I believe it can be paid
7 over 20 years. We have not gotten to that point as far as
8 issuing the notes or about how long the notes will be, but I
9 believe they can be up to 20 years.

10 DR. CARTER: Yes, sir. That's correct. And the
11 district paid off --

12 THE COURT: Is that what's contemplated, that the
13 notes could be issued and payable over 20 years at the most?

14 MR. COMPTON: That's correct.

15 DR. CARTER: Yes, sir.

16 THE COURT: Okay. Thank you.

17 Any other questions?

18 Well, let me hear from Ms. Washington.

19 THE WITNESS: Yes.

20 THE COURT: Let me hear from you on this matter.

21 Do you oppose the bond issue?

22 THE WITNESS: Yes. Yes, we did.

23 THE COURT: Okay. And why was that? Besides
24 transparency, what were the other reasons?

25 THE WITNESS: Well, we were -- there seemed to have

1 been, just from my point of view, that there was a plan in
2 place that with Carver closing they would allow -- the bond
3 would allow to renovate two schools. So there was no place for
4 Carver in the bond renovation. So our, our coalition was
5 concerned that Carver was being, was being -- basically they
6 had already closed the school and weren't even thinking about
7 the fact, without us having gone through this process, of them
8 being allowed to do it.

9 There were concerns with the -- just the items the
10 district had stated that they did have funds, that they would
11 still go ahead and do the upgrades that were needed but at a
12 slower pace even if the bond did not pass. So we were
13 questioning the necessity of a bond so large.

14 We felt as though the district was also misleading to the
15 public when they said that there was a no tax increase, when
16 actually they were just substituting one tax with another
17 because they had just paid off the final payment on the bond
18 from 2008 or '09, and then for the rush to go ahead and have
19 this bond election would mean that taxes would not be allowed
20 to go down, that it would just continue on to, again, having
21 this -- a new tax, substituting one tax for another, and this
22 one would be for 20 years. So those were some of the other
23 concerns that we had, in addition to the transparency, from the
24 district.

25 THE COURT: Did the bond receive support primarily

1 from one area, as opposed to the resistance of the bond? In
2 other words, was the support slash resistance concentrated?

3 THE WITNESS: Your Honor, if you're talking about from
4 different precincts, I think that it actually passed in every
5 precinct minus one. There is the -- the district actually, you
6 know, put out that this bond was for the kids and that this was
7 for athletics, and you would be able to allow to have -- that's
8 the, in our speaking to the community, why they were supporting
9 the bond. It was because they wanted to have a new baseball
10 field, and they felt like athletics was the most important.
11 They -- you know, there was not -- we did -- we did actively
12 campaign against them, yes. We had billboards and television
13 commercials, but the -- there was a concern or there was a
14 general push at the last week that this was -- this was for the
15 kids. The housing authority actually went on television and
16 had a press conference with their -- the managers of the public
17 housing, which, you know, again the majority of Carver's
18 residents -- the majority of the students at Carver are in
19 public housing, but they went on to say that they were in favor
20 of the bond, as if to say that people -- everyone that resided
21 in public housing was in favor of it, which was not necessarily
22 true.

23 THE COURT: Okay. All right. Any other questions to
24 Mrs. Washington? Anybody?

25 MS. MERLE: I just have a brief redirect for

1 Ms. Washington, just one or two questions, Your Honor, if I
2 may.

3 THE COURT: Okay. Go ahead.

4 MS. MERLE: Thank you, Your Honor.

5 REDIRECT EXAMINATION

6 BY MS. MERLE:

7 Q. Ms. Washington, you were asked about -- by Mr. Compton
8 whether you went to Carver Middle School. Do you remember that
9 question?

10 A. Yes, I do.

11 Q. And you said you did not go to Carver Middle School?

12 A. I did not go to Carver. I did not attend Carver. My
13 family has a long tradition and history with Carver. My mother
14 was actually the first secretary at Carver when it was
15 established in 1959, and she taught there for a decade. My
16 brother attended Carver. And, you know, we have been involved
17 in the community. My church is in that neighborhood. And the
18 family business that I co-own is also in the west side of town.
19 So I -- I did not attend Carver myself, but I have a strong
20 relationship and affinity to this side of town.

21 MS. MERLE: That's all I have, Your Honor.

22 THE COURT: Are there any other witnesses?

23 MS. MERLE: Yes, Your Honor. Just a very short.

24 Mr. Markham, I just had a handful of questions.

25 THE COURT: All right. Who is the witness?

1 MS. MERLE: Mr. Markham.

2 THE COURT: You're breaking up on the last name.
3 What's the last name?

4 MS. MERLE: Markham.

5 THE COURT: Okay. Mr. Markham. All right. Swear in
6 Mr. Markham.

7 THE CLERK: Would you raise your right hand.

8 ROBERT MARKHAM,
9 having been first duly sworn, testified as follows:

10 THE COURT: All right. You may proceed.

11 DIRECT EXAMINATION

12 BY MS. MERLE:

13 Q. Good afternoon, Mr. Markham. Could you please introduce
14 yourself for the court?

15 A. My name is Robert Markham. I live in Meridian.

16 Q. And are you part of any organizations in Meridian?

17 A. I'm a member of the NAACP and also a member of the
18 Meridian Concerned Citizen Coalition.

19 Q. When you say the Meridian Concerned Citizens Coalition do
20 you mean the Carver Community Coalition?

21 A. Right.

22 Q. And have you ever worked for the school district, the
23 Meridian Public School District?

24 A. Yes, ma'am. I worked for 40 years at Meridian Public
25 Schools.

1 Q. And what were your positions at -- in the Meridian Public
2 School District?

3 A. I came here as a chemistry teacher, chemistry and biology
4 teacher. And I worked two years at Harris High School during
5 college. I was transferred involuntarily to Northwest Junior
6 High School for one year. Then I was transferred involuntarily
7 to Meridian High School for one year. And then I was
8 transferred to Kate Griffin for 13 years involuntarily. And
9 assistant principal at Carver Middle School. I was assistant
10 principal for three years, and for 16 years as principal. And
11 finally at the end of my career at central office as deputy
12 superintendent.

13 Q. When did you retire? I'm sorry. And after you were
14 deputy superintendent, did you retire from the school district?

15 A. Well, I was kind of pushed out and retired.

16 Q. And what year was that?

17 A. 2007.

18 Q. And you said you were principal at Carver for how many
19 years?

20 A. Sixteen.

21 Q. And where is Carver located within the City of Meridian?

22 A. Carver is located at 900 44th Avenue, surrounded by
23 housing projects and delapidated homes. I had mire [sic] from
24 Highland Park, shopping centers within walking distance,
25 baby-sitters within walking distance, fast-food places,

1 restaurants, Chinese restaurants, and churches on every block,
2 almost. And you had a housing project that has a bridge that's
3 in the back housing project that leads to the back door of
4 Carver. So there are three housing projects that's within
5 walking distance of Carver. That's J.T. Davis, Frank Berry
6 Court and the Carousel Place. All three of those were within
7 five minutes walking distance.

8 Q. And do you know, where is Northwest and Magnolia Middle
9 School located within the city of Meridian?

10 A. Northwest and Magnolia are both on the east and north side
11 of town. Carver is on the west and south side.

12 Q. And are there any differences between the communities
13 where these schools are located?

14 A. At Carver, on the west and south side, serve mostly black
15 students at this time. Once upon a time there was about 50/50.
16 Magnolia and Northwest in a different area, the northeast,
17 served mostly white and black. Probably now it's high
18 percentage of black, but it was in a much better location as
19 far as housing and probably people with high incomes.

20 Q. And did you have -- did you learn at some point that
21 Carver was being closed?

22 A. I didn't get the question.

23 Q. Did you learn at some point that Carver Middle School was
24 being closed?

25 A. Yes.

1 Q. And did you have any concerns about the closing of Carver?

2 A. I had a lot of concerns about the closing of Carver.

3 Q. And what were those?

4 A. Well, I wanted to know why Carver. And that's the
5 question I asked, when Carver was the last school built in the
6 district. In 1966 it was built. And I understand it was built
7 to maintain freedom of choice, separate but equal. When you
8 had -- they tore down Harris and the old Carver and the junior
9 college, and they're left with enough kids to go to high
10 school, and -- at Brady High School, and kids to go to
11 community college at Meridian High School.

12 And Carver was built for the kids in this area. They were
13 black. And during integration everything changed.

14 But Carver stood here, and people then, on this side of
15 town, on the north -- on the south and west side of town
16 assumed that this was their school because the Carver that they
17 had was torn down, the high school was torn down, the junior
18 college was torn down and hauled away. So this was their
19 school, replaced, and so it was kind of hard for me to see why
20 that the last school built in the district was being used for
21 the central office. Because these kids came, and most black
22 students who pass have little always saw that the kids had what
23 they needed, whether they had anything or not.

24 So it's kind of selfish for me to see why the central
25 office would think a school that's the most modern school built

1 for kids in the district, take it for themselves, when the
2 school was built with an amphitheater, boys gym, girls gym,
3 science labs, forest room and just a lot of rooms. Why would
4 you take that from kids and use it for central office?

5 Q. Do you know, Mr. Markham, is Carver the largest of the
6 three middle schools?

7 A. I don't know about the size, but I do know that it's
8 probably -- it could accommodate 6-, 700 kids.

9 Q. Okay. And when you were employed at the school district
10 as a teacher, were you assigned to different schools?

11 A. As I said, I was brought here to teach chemistry and
12 biology, at Harris and at junior college. After two years I
13 was sent to Northwest.

14 Q. And was that, when you were sent, was that voluntary or
15 was that involuntary?

16 A. Well, that was involuntarily. I didn't know what
17 Northwest was at the time. That was a couple days before the
18 school year opened, I was told that they needed a science
19 teacher there, and they needed a black science teacher over
20 there. And the school attorney now was one of my students,
21 Mr. Compton there. One of my students at Northwest, in
22 1969-70, I believe. Mr. Compton?

23 Q. And did you have an understanding that the school district
24 could reassign you involuntarily, as -- as needed?

25 A. Well, you know, you have to go around the district. You

1 had just one choice since I been here. It used to be, I don't
2 know about now, but it used to be a little clause in the
3 contract that says school may change for bettering the Meridian
4 public school, meaning wherever they needed you, you can go as
5 you want to or you can resign.

6 So I needed to work, so I went wherever they told me to
7 go.

8 Q. And my last question for you, Mr. Markham: Why is Carver
9 important to you, to the community in that area?

10 A. Well, it's important because the people on this side of
11 town think that's their school. And it's being closed because
12 it belonged to them. And they can't figure out why the newest
13 school is being used as central office. And the only thing --
14 and this school been renovated within the last, say, maybe
15 eight years, because the school burned. This is the only
16 school that has recognition from the U.S. Department of
17 Education, that being a national recognized school of
18 excellence, and a drug -- a nationally recognized drug-free
19 school. And having both awards in the same year. So why close
20 a nationally-recognized school and leave the other two to be
21 renovated when this school does not need renovation? Nothing
22 but a new roof.

23 MS. MERLE: Thank you. I think -- before I wrap up, I
24 think maybe we lost Mr. Compton, so I don't want to continue
25 questioning until we see him back.

1 THE COURT: How would you like to proceed then? I
2 don't see him. He's not on my screen.

3 MS. MERLE: Ms. Watson --

4 THE WITNESS: Hello, Your Honor.

5 THE COURT: Okay. Maybe that's him. All right. We
6 have Ms. Watson.

7 MS. WATSON: Yes, he's trying to rejoin right now.
8 Something happened and he inadvertently kicked off on his
9 internet connection. He's in the process --

10 THE COURT: Well, now, who is the lady right below
11 Mr. Markham?

12 MS. MERLE: I see Dr. Carter, and then Ms. Watson and
13 then Jamie Dole.

14 THE COURT: Ms. Singleton? Okay. All right. Now,
15 how many more witnesses do you have, Ms. Merle?

16 MS. MERLE: After Mr. Markham, we're done, Your Honor.

17 THE COURT: Okay. What person whose name you just
18 called, did you intend to call him?

19 MS. MERLE: No, sir. There's no more witnesses. I
20 think Ms. Watson is an attorney for the school district. Jamie
21 Dole is a paralegal for the school district, and then Natane
22 and Aria are attorneys for the DOJ.

23 THE COURT: Okay. So you have no more witnesses?

24 MS. MERLE: No, Your Honor.

25 THE COURT: And now for the school board, did the

1 school board have any more witnesses?

2 MS. WATSON: Your Honor, this is Lindsey Watson for
3 the school district. I'm not sure if Mr. Compton had planned
4 to ask any more questions of anyone.

5 Can I have the court's indulgence for just five minutes?

6 THE COURT: Well, he's back on now.

7 MS. WATSON: Okay. Good.

8 MR. COMPTON: I'm back on now. I don't know what
9 happened, Your Honor.

10 THE COURT: Well, okay.

11 Now, did you have any more witnesses?

12 MR. COMPTON: Well, I didn't hear Ms. Merle's -- last
13 thing I heard was Mr. Markham, I have one last question, and I
14 didn't hear what the question was or the answer.

15 THE COURT: Would you repeat the question, Ms. Merle.

16 MS. MERLE: Yes.

17 BY MS. MERLE:

18 Q. Mr. Markham, why is Carver important to you, to the
19 community?

20 A. Well, Carver is important to the community because, as I
21 said before, Carver Middle School, George Washington Carver
22 Middle School has the name of historical black America. And
23 it's the only school that has a black American name. And this
24 school was put in a black neighborhood surrounded by poor kids
25 and poor parents. And since the departure of the other middle

1 school, junior college, and this school was built in the place
2 of that, they assumed that this is their school. And we
3 couldn't figure out why the last school built in the district,
4 the newest school, the most modern school with the most modern
5 facilities, that needs no renovations, it having been renovated
6 after a small fire a few years ago, why would you close this
7 school and give it to central office? Or better still, central
8 office take it. And it's the only school over here in this
9 district and leave two on the east and north side of town and
10 you don't have a school over here that's secondary.

11 So when kids finish the fifth grade, they have no
12 secondary school over here. And this is half of the city.

13 Q. And I believe earlier, when Mr. Compton got taken off, you
14 had mentioned that the school had -- was the only school that
15 had two awards. Can you talk about that?

16 A. Yeah, the school district in 1988-'89, Carver Middle
17 School received the national school -- was recognized by the
18 U.S. Department of Education as a National School of Excellence
19 and National Drug-Free School. And they couldn't -- they
20 didn't believe our application because of our location and the
21 kind of kids that we had. So they had a visit from Washington
22 to come down and check us out. And they have saw the bridge
23 between the back doors of the housing project and the back
24 doors of the school, and the location of the school, surrounded
25 by housing projects. So in most cases that's a drug-infested

1 school. But there were no drugs in this school.

2 And they looked for community involvement. We had over 70
3 businesses that was involved with this school. They gave
4 rewards to students who did well. We had programs for kids who
5 did well after school and before school. Kids who couldn't
6 read well, who couldn't compute well or write well. We
7 encouraged them to stay after school and before school.

8 Q. And do you know if any other school or any of the other
9 middle schools have received such awards or recognitions, as
10 far as you are aware?

11 A. Well, now we had -- we were two -- Carver was one of two
12 schools in the whole nation that received both awards in the
13 same year. But now we had one elementary school, called Marion
14 Park, that received the Elementary School of Excellence.
15 Meridian High School received the award, the School of
16 Excellence award. And Kate Griffin received both awards. Kate
17 Griffin is also closed. And Marion Park is an alternative
18 school.

19 So you've got three -- you've got four schools that have
20 received national schools of excellence, and three of them --
21 well, now, with Carver, we've got Carver and Kate Griffin who
22 received that award, are both closed.

23 Marion Park is an alternative school. So the only one
24 that's standing tall now is Meridian High School.

25 I know you didn't ask that, but for your information.

1 MS. MERLE: Thank you, Mr. Markham.

2 That's all the questions I have, Your Honor.

3 THE COURT: Any questions to Mr. Markham from anybody
4 else?

5 All right. And was any party expect or intend to call any
6 additional witnesses? Anybody?

7 MR. COMPTON: Your Honor.

8 THE COURT: Yes.

9 MR. COMPTON: John Compton with the school district.
10 I would like to call Dr. Carter back, and just ask her one or
11 two short questions.

12 THE COURT: Go ahead, call her.

13 I've thought about asking her a question myself. But go
14 ahead and call her.

15 AMY CARTER,

16 having been previously duly sworn, testified further as
17 follows:

18 DIRECT EXAMINATION

19 BY MR. COMPTON:

20 Q. Okay. Dr. Carter --

21 A. Yes.

22 Q. -- you're still under oath.

23 What's the total of white students in Meridian Public
24 School District?

25 A. Mr. Compton, the figure I have is 176. Only 176 white

1 students.

2 Q. And how many of those are in middle school?

3 A. Only 32.

4 MR. COMPTON: Okay. I have no further questions, Your
5 Honor.

6 MR. CUSICK: Your Honor, this is John Cusick for
7 private plaintiffs. No redirect based on Mr. Compton's
8 questions.

9 THE COURT: Okay. Mr. Cusick, you are still
10 maintaining your objection to the closure, are you not?

11 MR. CUSICK: That's correct, Your Honor. I'm happy,
12 if any additional explanation is necessary based on today's
13 evidence that isn't already captured within our opposition
14 brief.

15 THE COURT: Now -- and, Mr. Compton, you still are
16 supportive of the closure; is that correct?

17 MR. COMPTON: That's correct, Your Honor.

18 THE COURT: And let me turn to the United States.

19 What position does the United States take?

20 MS. VAUGHAN: Your Honor, the United States does not
21 oppose the District's motion. We really see this as a dispute
22 between the private plaintiffs and the district.

23 THE COURT: So you do not see a discriminatory animus
24 here of any kind?

25 MS. VAUGHAN: Your Honor, based on the information

1 that the District provided, we do not.

2 THE COURT: So at this point are you neutral or are
3 you in support of the District?

4 MS. VAUGHAN: Your Honor, we don't oppose the
5 District's motion. So in that sense we, you know, support the
6 District's efforts to close the school. That said, there was a
7 lot of very important testimony that we also heard today for
8 the first time, and so we support the court making a full
9 assessment of all the information that's been put forward by
10 both parties.

11 THE COURT: So does that mean that you are neutral or
12 that you are supporting the District?

13 MS. VAUGHAN: Your Honor, what I can say is that we
14 don't oppose. That's what I'm authorized to say.

15 THE COURT: Okay. So you're not authorized to say
16 anything more than that; is that correct, Ms. Vaughan?

17 MS. VAUGHAN: No, sir, I'm not.

18 THE COURT: Okay. Does not oppose.

19 Not supportive, necessarily; not neutral, necessarily. Is
20 that it?

21 MS. VAUGHAN: Yes, Your Honor. We do not oppose the
22 motion.

23 THE COURT: Okay. Now, with regard to any legal basis
24 for the position of the parties, do the parties wish to
25 supplement their response with any legal authority?

1 I'll start off with Mr. Cusick.

2 MR. CUSICK: No, Your Honor. We would just address,
3 and this is covered already in our briefing, but to
4 Mr. Compton's point to begin today's hearing, that there is not
5 a desegregation issue here. As this court is aware, that the
6 school district is still under a consent order, and under that
7 consent order they still bear the burden and have a
8 constitutional obligation to further desegregation efforts, and
9 that extends to decisions like closing a school, as the Supreme
10 Court has explained, is one of the most important functions a
11 local school board or authority can do, and so we just want to
12 correct that point that was addressed today in the beginning,
13 and happy to talk through any of the three factors that we've
14 discussed based on today's evidence.

15 THE COURT: And then with regard to legal authority
16 beyond the decree itself, do you have any that you wish to
17 submit?

18 MR. CUSICK: The cases that we're relying upon are the
19 same that were included in our opposition brief, and I'm happy
20 to cite any of those, but they're otherwise all covered in our
21 briefing.

22 THE COURT: And let me turn to Mr. Compton.

23 And, Mr. Compton, do you have any legal authority that you
24 wish to expound upon, not right now, but just tell me whether
25 you have any legal authority that you wish to submit.

1 MR. COMPTON: None, Your Honor, other than what's
2 contained in our reply in support of the motion.

3 THE COURT: Okay. And Miss or Mrs. Vaughan -- which
4 one is it? Is it Miss Or Mrs.?

5 MS. VAUGHAN: Miss.

6 THE COURT: Okay. And Ms. Vaughan, you are -- you
7 didn't submit a brief, though, did you.

8 MS. VAUGHAN: No, Your Honor. We submitted a response
9 that indicated that we did not oppose, but we don't have
10 further legal authorities to bring to the court's attention
11 today.

12 THE COURT: Okay. Then thank you.

13 Finally, relative to a court decision on this matter,
14 Mr. Cusick, what kind of time frame would you suggest beyond
15 which would be prejudicial to the interests of your clients?
16 So I would have some idea of when you would contend that
17 prejudice would attach to any delay in a decision on this
18 matter.

19 MR. CUSICK: Yes, Your Honor. We -- we would assert
20 that there is already prejudice to the client we serve because
21 the district was obligated to seek approval before essentially
22 closing Carver Middle School. That's why they sought this
23 court's approval and should have done that well before the
24 May 26th decision. That's also why we're on an extremely
25 accelerated time line where had other decisions been made there

1 could have been a full opportunity for community engagement,
2 for the parties to discuss these issues and for a full
3 assessment of all information that might have been relevant.

4 You've already heard Dr. Carter mention a series of
5 conversations, documents, data that was relied upon for her
6 affidavit as it related to transportation burdens and otherwise
7 that we also would ask be submitted to the court so there is a
8 full evidentiary record in making its assessment, and so, Your
9 Honor, again, right now our clients and the communities we
10 serve are prejudiced because the district is under a consent
11 order and they were obligated to seek approval before moving
12 forward with the closure of Carver Middle School.

13 THE COURT: Mr. Compton?

14 MR. COMPTON: Your Honor, the desegregation order does
15 not prevent the school district from closing a school. It
16 only -- it only needed to seek court approval on changing the
17 attendance zone lines.

18 We have closed schools and absorbed them within existing
19 elementary zones earlier, so -- but we thought that there would
20 be no opposition since we have the pending motion for unitary
21 status where it was stipulated that the district had achieved
22 unitary status.

23 So we didn't think there was an issue. We were doing what
24 we thought was in the best interests of the students, and
25 that's why the district took the action that it did.

1 So that's our response.

2 THE COURT: Mr. Cusick, what about that? That at this
3 juncture your clients had agreed that unitary status had been
4 achieved? So how would that then bear upon this particular
5 motion?

6 MR. CUSICK: Sure, Your Honor. That's an inaccurate
7 description because it is a proposed settlement agreement, and
8 that it's stipulated could be used in support of a finding for
9 unitary status.

10 Your Honor, you'll note that the district's motion is
11 separate for unitary status as opposed to the settlement
12 agreement. And Your Honor also is aware that the settlement
13 agreement alone could not achieve unitary status. This court
14 would need to conduct a fairness hearing to, among other
15 factors, consider those.

16 It's our position at this time that we still maintain that
17 settlement agreement and know that it is a pending motion
18 before the court, but we would ask that this court first rule
19 on the closure, to see if at all anything within those terms
20 would be impacted. But, again, to Your Honor's initial
21 question, it is a -- and the explicit test could be used in
22 support of a finding. We, as private plaintiffs, could not
23 stipulate to unitary status. That's a decision that the court
24 has to make, as well as other parties, including party
25 intervenors, who would also be engaged in those processes as

1 well.

2 THE COURT: But at this juncture you have stated that
3 you and your parties are in agreement that there is,
4 preliminarily, a determination of unitary status, isn't that
5 so? Contingent upon the outcome of a fairness hearing in
6 support. Is that so?

7 MR. CUSICK: Yes, Your Honor. The stipulation does
8 say that the settlement agreement will support a finding of
9 fact, which was submitted I think now more than before the
10 government shut down three years ago, and so -- but outside of
11 that, we were not under the impression that any schools would
12 be closed, and so we would first ask this court to rule on the
13 motion for the closure of Carver Middle School, and then at
14 that time, if at all anything implicates the settlement terms,
15 if the court makes a determination, we would do so, but to Your
16 Honor's initial question, that's what the settlement agreement
17 stipulates to, that it will support a finding, and that's ECF
18 158-1.

19 THE COURT: Are you saying that you're reserving the
20 right to reject the unitary status that previously you agreed
21 to?

22 MR. CUSICK: Again, Your Honor, we've agreed that the
23 settlement agreement would support a finding. We reserve the
24 right, to the extent that if this or any other determinations,
25 if there are more school closures or other issues that arise

1 before that motion, that certainly could impact that, which is
2 why we are hoping that the court will first rule on the motion
3 for this closure to see if at all anything that could change
4 the terms of those agreements.

5 THE COURT: Well, let me change the wording of the
6 question.

7 Are you saying that you have reserved the right to abandon
8 your earlier position if you have a distasteful ruling from the
9 court on this particular point of the school closing?

10 MR. CUSICK: Just to make sure I understand your
11 question, I would answer yes, that we do reserve the right to
12 the extent that the proposed settlement, which again is a
13 proposal at all is implicated by a court ruling one way or
14 another. This is something that we would have to consult with
15 our clients about because it is a motion before the court, and
16 so the answer is yes, we do reserve the right, and that would
17 be something that we would engage the district in because this
18 is a proposed settlement agreement that has not been ruled on
19 yet.

20 THE COURT: And thus you are saying that this closure
21 may be a material change that would empower you to withdraw
22 from the settlement, is that it?

23 MR. CUSICK: Yes, Your Honor, that's correct.

24 THE COURT: Okay. And what says you, Mr. Compton, on
25 that point? That depending upon this court's ruling, that

1 under Mr. Cusick's position on this, that a contrary ruling
2 from the court could undo the settlement?

3 MR. COMPTON: I'm not surprised, Your Honor, but we
4 would go forward with trying to move forward for the court to
5 declare unitary status. We don't feel like the closure of this
6 school has changed -- changed the district in any way since
7 2019 when the proposed settlement agreement was presented to
8 the court.

9 THE COURT: Okay. Now, I do have one question I want
10 to ask Dr. Carter.

11 Dr. Carter?

12 THE WITNESS: Yes, sir.

13 THE COURT: You're still under oath.

14 THE WITNESS: Yes, sir.

15 THE COURT: You're still under oath, and I need to
16 revisit you.

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1 AMY CARTER,
2 having been previously duly sworn, testified further as
3 follows:

4 FURTHER EXAMINATION

5 BY THE COURT:

6 Q. In view of Mr. Markham's testimony, because I did not hear
7 at this juncture a response to the factors that he submitted in
8 support of opposition to the closure of Carver and he submitted
9 a number of factors that have not been fully discussed. Now,
10 did you make a list of those factors?

11 A. No, sir, I didn't. But I think if I had to recall a few
12 of them, I could.

13 Q. You said what now? You say you could or could not?

14 A. I could recall a few of them. I don't know if I would get
15 them all, but I could recall a few of them.

16 Q. Okay. Well, I have a list. I took some notes. And he
17 stated, first of all, that Carver is named after a prominent
18 black historical figure, George Washington Carver.

19 Did that figure anywhere in the discussion involving
20 closure?

21 A. No, it was not, but it was all -- it was included in the
22 discussion of repurposing the building. So if the building
23 becomes the central office, it will be known as the George
24 Washington Carver central office or administrative building.

25 Judge Wingate, right now when a parent comes to central

1 office, if they have needs, they have to go to three, possibly
2 four locations in the city because central office is spread
3 out. So if they're coming to meet with someone about
4 instructional curriculum, they have to go to one building. If
5 they're coming to have assistance about food service, they have
6 to go on another side of town. If they're coming to get help
7 about transportation, they go to another building.

8 So the goal of being able to centralize central office,
9 putting them in one location, will allow parents to have a
10 one-stop shop and not necessarily have to try to go all over
11 town to get assistance when they need it.

12 But the building will be named George Washington Carver
13 Administrative Building, or what have you, so that we can
14 protect that history in our city.

15 Q. Okay. And he also stated that this building is located in
16 the black neighborhood. Is this the only school that's located
17 in the middle of the black -- a black neighborhood?

18 A. No, sir, it's not. There are multiple schools in our
19 district that are located in the heart of black neighborhoods.
20 It was said earlier that Carver Middle School serves a large
21 number of housing projects. All of our schools serve a large
22 number of housing projects. Actually, Magnolia served the
23 largest number with where they're located.

24 All of our schools right now are educating a majority of
25 African American students in majority African American

1 neighborhoods because, again, we only educate 176 white
2 students pre-K through 12. So our neighborhood demographics
3 have changed tremendously.

4 Q. Next, he commented that this present building, George
5 Washington Carver School, was built to take the place of an
6 older school with the same name, and therefore it had some
7 history. Any response on that?

8 A. Yes, sir, it does have history. Anytime you have a school
9 that's named after a prominent African American, that's history
10 you want to preserve and you want to protect.

11 Q. He also said that this was the most modern school. Is
12 that also true?

13 A. Carver Middle School was the last school built in Meridian
14 Public School District; however, it was the middle school at
15 that time that was built without an auditorium. They did build
16 it with an amphitheater, which is a smaller space that could be
17 used if you want to do productions, but ultimately the square
18 footage of Carver is smaller than the two middle schools by
19 pretty close to 15-, 20,000 square feet. It can hold 700
20 students, but the other two middle schools can hold a larger
21 number.

22 Honestly, Judge Wingate, if I were going to build a really
23 good school with taxpayers' dollars, I would have built one
24 middle school, but I didn't think the climate of our city was
25 ready for multiple closures at one time.

1 Q. Okay. And then he commented that this school was the only
2 one to receive two awards, two nationally-recognized awards.

3 A. Yes, sir, back in 1998. And that was our bragging point
4 as a faculty and a staff and a family, when I worked at Carver,
5 and it's still a bragging point for us and will be memorialized
6 as a part of that building's history.

7 There was other schools in our school district that have
8 received national recognition. The actual school district
9 received recognition when we were called to the White House
10 back in -- a few years ago, I can't remember exactly, but we
11 were recognized for our work with PBIS and for our work with
12 Restorative Genesis.

13 So I could go down the list and name awards that Meridian
14 Public School District has received, but I still say it's
15 important to preserve those awards that were received at Carver
16 and not allow that history to be lost.

17 Q. Did -- this is not something that Mr. Markham mentioned,
18 but are the other schools, including Carver, given letter
19 grades for competence?

20 A. Yes, sir. All schools are given letter grades.

21 Q. And what's the letter grade for Carver?

22 A. The last accountability ratings were given back in
23 2008-2009, and Carver was rated as a D, low-performance school.
24 It had improved from an F, but historically the trend data
25 showed that it was a failing school.

1 Q. What about the other schools?

2 A. The other schools, Magnolia Middle School was rated as a
3 successful school, and Northwest Middle School was rated as low
4 performing.

5 Q. So the overall district score was what?

6 A. The overall district score was just shy of successful on
7 the last accountability rating. It was 20 points from a C but
8 it was rated a D.

9 Q. It was 20 points from a C?

10 A. Yes, sir, from successful. But it was rated a D, yes,
11 sir.

12 Q. But rated a D. So what is it currently rated as?

13 A. The last ratings, it was rated as a D, the entire
14 district.

15 Q. A D?

16 A. Yes, sir.

17 Q. A D as in delta?

18 A. A D as in delta.

19 Q. And what do you attribute that to?

20 A. From any perspective, Judge Wingate, is everything from
21 spreading your resources too thin. It is trying to ensure that
22 you have quality teachers placed in grade levels across the
23 board. It's ensuring that you have dedicated educators. It's
24 ensuring that you can meet the needs of your students as it
25 relates to academic services, instruction, curriculum, and so

1 we have been doing what we can as a district to ensure that we
2 move our students forward. Unfortunately, we're all coming on
3 the heels of COVID, so we're still feeling some of that
4 learning loss, but as we've looked at projection trends and
5 data, we have already zoned in on areas that we have to focus
6 on in order to ensure that we move Meridian forward.

7 And unfortunately this closure helps with that because I
8 can honestly say for the first time my middle schools, the two
9 remaining middle schools, are staffed with certified teachers.

10 Q. What is the average ACT score?

11 A. The average ACT score in Meridian ranges at 14.

12 Q. At 14?

13 A. Yes, sir, 14. A composite at 14. We've seen some
14 increases as far as individual subsets in scores, because we
15 have been working diligently to, number one, expose our
16 students to ACT supports earlier, exposing them to the testing
17 earlier, and, more importantly, exposing them to services that
18 the district is offering through ACT coaches. So we're excited
19 about the gains that we're seeing with individual students and
20 the supports we're putting in place, but we continue to work on
21 trying to make sure we move that composite. It's up from last
22 year, it's just not up to the satisfaction that I or my
23 community would expect.

24 Q. What was it last year?

25 A. Last year, the average composite was 13.

1 Q. Those students take that test generally in what year?

2 A. They typically take it in 11th grade, but we've done a
3 better job of trying to expose them to preACT testing.

4 Sometimes kids just get worked up with test anxiety, Judge
5 Wingate, and so our goal is try to create environments where
6 our children know they're just as capable of doing well on
7 standardized tests, ACT tests, but more importantly, it's
8 exposure.

9 Q. Why do they take it generally in the 11th? Why not before
10 the 11th grade?

11 A. Well, the state requires that every junior takes the ACT,
12 but we as a district have been working on exposing students to
13 it as early as middle school. We actually have what they call
14 preACT tests that you can actually do at elementary school.

15 So, for us, we have been in the process of exposing children
16 and parents to it sooner, so that it's not this burden or this
17 monster that they fear, but that they can actually start taking
18 it more in ninth grade, tenth grade, and we are seeing
19 individual students come up as we continue to focus in this
20 area and expose students to it sooner.

21 Q. Do you have a counselor who is earmarked especially
22 towards improving the ACT scores?

23 A. Yes, sir. We have counselors. We have educators as well
24 that are assigned that task. This year we added additional
25 counselors, so we have fewer students that each counselor is

1 responsible to assist or supervise in that area, but we do have
2 one, our graduation counselor, that spends the bulk of her day
3 and her time working in that area, working on ACT, working on
4 access to financial aid, college opportunities, scholarships,
5 so on and so forth.

6 Q. So what has she set as a goal overall for the students --

7 A. For our particular --

8 Q. -- as far as achievement on the test?

9 A. Yes, sir. For us, we are striving to at least get to the
10 state average, which is a 17. That's the typical composite
11 score at the state level. And so we're striving with
12 individual students to be able to look at, if you didn't do
13 well on the reading portion or the math portion or the science
14 portion, let's look at the areas that we can zone in to try to
15 improve or increase your composite overall.

16 Q. And the school, or the counselors in particular, help the
17 students to perform on subsequent tests by ordering the test
18 they have just taken?

19 A. Yes, sir.

20 Q. Do y'all order the test?

21 A. Yes, sir.

22 Q. You can order -- pardon me?

23 A. Yes, sir, we can --

24 Q. You can order out of the generally four tests that are
25 provided, you can order at least one of the tests, sometimes

1 they give you two. And that would give you not only the test
2 that was taken, but also the correct grade -- the correct
3 answers. Then you can teach from that. Do you all do that?

4 A. Yes, sir. We've started that trend as well here.

5 Q. When did you start that?

6 A. We actually started it last school year.

7 Q. Okay. I have a court-watch program where I have kids come
8 in to my court, my court, and I program to them during the
9 summers. And I have, oh, summer -- well, summer before last,
10 before COVID, I had 120 students, and before that somewhere
11 around a hundred. But I sort of worked with them on these
12 particular matters through that, where they can take the ACT
13 and then order the ACT test itself with the correct answers,
14 then they can study from that.

15 In the past in that program, I have had students who have
16 taken that test starting in the eighth grade, and taken it as
17 many times as they could in the eighth grade, ninth grade,
18 tenth grade, eleventh grade, and then first semester of twelfth
19 grade, one student in particular came to me and wanted to know
20 how could he sue the ACT, because he knew that he had made a
21 36, he said. And he only made a 35. And so therefore he said
22 he wanted to sue them. And I wanted to know why he was so
23 convinced that he had made a 36. And he said because ever
24 since the eighth grade I've kept all my tests and gone over
25 them, and would you believe I received and took a test the

1 first part of my twelfth grade year, and it was the same test I
2 had taken before, so I knew every answer in the test. So I
3 know I made a perfect score, and they only gave me a 35, so I
4 want to sue.

5 Well, he didn't end up suing, but the point there is, is
6 that he had taken that test so many times, he actually ended up
7 with the same test as a senior. And therefore he got
8 scholarships all over the country.

9 And a number of students, not as zealous as that, take
10 that test a number of times, and also order the test so that
11 they can study the prior test as well as the answers. I gave a
12 speech at one time down at Hattiesburg where they had
13 supposedly 100 of the best counselors in the state, and I asked
14 the question, how many of you know how you can get the answers
15 to the ACT test, so that your students can study it for the
16 next test? And out of 100 counselors, only three knew the
17 answer.

18 That's why I was asking are you well aware of that. So
19 you say as of last year, you all had started doing that?

20 A. Yes, sir, we have.

21 Q. You don't give the SAT, do you?

22 A. No, sir. Not as often, no, sir.

23 Q. Why not?

24 A. Well, we spend a lot of time working on the ACT and we are
25 focusing on the graduation or the exit exams that students have

1 to pass. It's available for our students, and we have had
2 conversations about it, so it's not like a student can't take
3 it if they don't want to, but many of our students are really
4 focused on ACT because that's what the colleges that they tend
5 to apply to recognize more.

6 Q. What about the national merit exam?

7 A. Yes, sir.

8 Q. You have to take the pretest in the tenth grade and then
9 take the test again in the eleventh, and if you qualify as a
10 finalist, then you take it again in the twelfth and you get
11 scholarships all over.

12 Now, most schools don't give the National Merit. Do you
13 all get it?

14 A. Yes, sir, we do. We have had some National Merit
15 semi-finalists and some finalists to graduate over the past few
16 years.

17 Q. Really?

18 A. Yes, sir.

19 Q. And where did they go to school? Did they get full
20 scholarships? Pardon?

21 A. I was going to say if you asked me where they went to
22 school, I couldn't tell you in particular, but I can tell you
23 in the last few years as a part of our end-of-year awards, I
24 have been pleased to celebrate some of our students that have
25 been recognized in that area.

1 Q. Well, what about national achievement?

2 A. Not as much.

3 Q. National achievement is a component of national merit.

4 A. Yes, sir.

5 Q. So those students who score well but not high enough to be
6 a national merit finalist can also be a national achievement.
7 They can't be both. But if they become a national merit
8 finalist, then that is the highest achievement that they can
9 garner. But if they don't quite reach that plateau, they can
10 be afforded status as national achievement. They also have
11 national achievement for Hispanics now, too, and some other
12 ethnic groups.

13 So national achievements, at one time that was well
14 respected. Well, it still is well respected. At one time
15 Harvard gave more scholarships for national achievement for
16 African Americans than anybody, and then Florida A&M took that
17 lead to that, and they give a full scholarship for national
18 achievement.

19 And I have been dismayed because the schools do not give
20 the national merit now. Most schools don't. And they need to.
21 But they have to advise the students that you have to take the
22 preSAT in the tenth grade in order to be eligible to take that
23 test in the eleventh grade. Then they can qualify for it.

24 Now, we're back to these other points, and go back to
25 Mr. Markham's list here. I think I have maybe one or two more.

1 He said that because of the closure of Carver, that now
2 there is no school on that side of town. Is that so?

3 A. There are two elementary schools. We have West End
4 Harris, lower and upper, and we have Oakland Heights on that
5 side of town.

6 Q. Were all these factors that I have gone over with you from
7 Mr. Markham's testimony taken into account when the decision
8 was made to close Carver?

9 A. As a former employee of Carver, and I have to honestly say
10 I may not even be in Meridian had it not been for Mr. Markham
11 who said, Come on, little girl, teach for me. I considered the
12 history of Carver, I considered the side of town. What I
13 wrestled with, Judge Wingate, was putting a bandaid on a bigger
14 issue and putting subs and continuing to spread our resources,
15 and then holding my kids at Carver to the same standard as I
16 was my other kids in the district, and that just, in my
17 opinion, as an educator, was not fair. So in the end it's
18 about equitable resources for our children and trying to make
19 sure that even in the middle of a national teacher shortage,
20 that we are giving the children in Meridian, Mississippi the
21 same opportunities and the equitable education as we would any
22 child in any part of the country. So, yes, these factors were
23 considered, some of them were, but in the end my job is to try
24 to do the best I can to educate our children in the best
25 environment.

1 ROBERT MARKHAM,

2 having been previously duly sworn, testified further as
3 follows:

4 BY THE COURT:

5 Q. Mr. Markham, do you have anything that you would like to
6 say on these points?

7 A. I'm still trying to figure out why you want to spend money
8 and renovate other schools when you don't have to spend money
9 on Carver, to renovate it, because it's the latest school
10 built, and you renovated it after the fire a couple years ago.

11 And it's the only school on this side of town that when
12 you get to the fifth grade, you got to go to the other side of
13 town to go to school, after fifth grade. I don't think that's
14 fair.

15 And I don't think it's fair to take a modern school for
16 the central office. But I'm not making those decisions. I'm
17 not the superintendent, nor the board.

18 But I think it should be considered. And when the public
19 on this side of town look at it, they can't see to find us
20 either. Because this school, as I said before, it was in place
21 at the old Carver, in place of the high school that was torn
22 down, in place of a junior college that was torn down, and this
23 was the school, Carver School, for this community.

24 Now they have no secondary school in this community. And
25 I bet you a hundred years from now there won't be another

1 school built on this side of town.

2 Q. I have to ask you one more question, because of the way
3 you testified on direct examination. You testified about your
4 career and how you were moved at least three times
5 involuntarily. You made a point of that.

6 So when you were moved involuntarily from one school to
7 another --

8 A. Yes.

9 Q. -- what basis are you suggesting was the reason why you
10 were moved? Are you saying that that was the basis of some
11 discrimination? Because the way you described it, you said
12 that you were at School A and you says then you were moved
13 involuntarily. And then you moved to a second school for one
14 year, and then you were moved involuntarily. And then you said
15 that you were moved a third time and you were moved
16 involuntarily.

17 And eventually you got to be principal. You didn't tell
18 me whether you wanted to be principal.

19 Now, are you saying that these involuntary moves had some
20 dark motives behind those moves? Or it's just simply a matter
21 that you didn't request it and some folk wanted you to go to a
22 place they needed you? So what are you saying?

23 A. I can tell you what was explained to me. Dr. Todd and
24 Mr. Reed was over the school district at that time. So when he
25 called me to the office two days before school started, he told

1 me that he wanted me to go to Northwest because Northwest
2 needed some professional black men and women to work at
3 Northwest, because they had seen only garbage men, yardmen,
4 maids, et cetera. So I went to Northwest for a year.

5 After that year they needed a chemistry teacher at the
6 high school. And my background was chemistry, so involuntarily
7 they sent me to the high school, Meridian High School, to teach
8 chemistry and general science.

9 The next year they needed somebody -- needed a teacher at
10 Kate Griffin to teach general science, eighth and ninth grade.

11 My background was general science, chemistry, biology, so
12 they moved me to Kate Griffin involuntarily.

13 So I applied for the assistant principalship at Carver
14 after I received my administrative degree. And for three years
15 I served as assistant principal.

16 Then the principalship came available after the principal
17 retired. I applied for the principalship. And after 16
18 years -- well, 19, after assistant principal and principal at
19 Carver, I was tapped on the shoulder to come be the deputy
20 superintendent at central office for four years.

21 So the only two -- the only -- I applied for two
22 positions, one to come to Meridian and one as assistant
23 principal.

24 Q. Okay. Thank you.

25

1 AMY CARTER,

2 having been previously duly sworn, testified further as
3 follows:

4 BY THE COURT:

5 Q. Now, finally, Dr. Carter, there was some material you were
6 going to send me?

7 A. Your Honor, I believe Attorney Cusick or John mentioned
8 that there were some items that he was requesting for clarity
9 purposes.

10 Q. That's right. Uh-huh. And what about that? Is there a
11 problem sending those materials to me?

12 A. No, sir.

13 Q. Okay.

14 A. I just need to make sure I have a list of them.

15 Q. Okay. Then send those materials to me. They need to be
16 sent. And I am going to get a transcript of this session here,
17 and from that and from the papers that have been filed in this
18 matter, I will rule on the motion. Then after that we'll
19 proceed with a fairness hearing, if we get to that point, if
20 the parties are still saying that there is some agreement on
21 the unitary status.

22 So I will give myself -- oh, let's see -- I have to get
23 the transcript as well as those materials and study all of
24 that, and so I would -- I have some trials coming up, but I
25 would say within the next three weeks or so I should have an

1 opinion out on this matter. Maybe before that, if some of the
2 trials go away.

3 Now, with that, is there anything else that I need to take
4 at this time? From plaintiffs, since you spoke first, is there
5 anything else that I need to take up at this time?

6 MS. MERLE: Your Honor, this is Natasha for
7 plaintiffs. I appreciate you giving us information about the
8 proposed time line for the decision. I would just raise, and I
9 think Mr. Cusick touched on it briefly, that the school
10 district has currently closed Carver, and so for the next few
11 weeks Carver would remain closed, and I wanted to know if the
12 court had any direction concerning that, since the court hadn't
13 ruled on the motion yet, and since the school district
14 nevertheless went ahead with closing the school. Just so we
15 can --

16 THE COURT: You are asking -- say that again. Are you
17 asking if I have what, Ms. Merle?

18 MS. MERLE: Yes, Your Honor. Just asking if you have
19 any direction concerning that so that we can inform clients,
20 because currently Carver is closed, and so if it's -- you know,
21 we're going to be waiting these weeks for the court to get to
22 us, as I understand it, I just wanted to know if there was any
23 further direction about the school closure since the district
24 has gone ahead and closed the school. Anything to share with
25 clients or parents whose kids -- whose children originally were

1 slated for Carver.

2 THE COURT: I don't -- the only motion I have is a
3 motion that challenges the closure of the school. And I'm
4 going to rule on that particular motion. So I can't see
5 anything else at this juncture that's before me on that
6 particular matter. And I'm going to move on as soon as I get
7 the items I just stated, and then I'll make a ruling on it.

8 MS. MERLE: Understood, Your Honor. Thank you.

9 THE COURT: Now, so Mr. Compton?

10 MR. COMPTON: Yes, Your Honor.

11 THE COURT: Is there anything further to take up at
12 this time?

13 MR. COMPTON: The parties had talked about a date for
14 a fairness hearing, but I guess we need to wait and see what
15 the ruling of the court is, because the plaintiffs may back out
16 of the settlement agreement. So I guess that would be --
17 wouldn't be right to set a hearing date.

18 THE COURT: Well, I agree, because of the statement
19 Mr. Cusick made, that they're reserving the right since there
20 is no finality yet on this matter.

21 MR. COMPTON: Right.

22 THE COURT: That they're reserving the right to
23 determine if they were going to adhere to that prior position
24 as to an agreement. And so that is, too, is going to be a
25 factor that is going to push the court as fast as possible to

1 get these matters done.

2 MR. COMPTON: Okay. Your Honor --

3 THE COURT: But the key is going to be to get the
4 information that I am awaiting, and to get a transcript from my
5 overworked court reporter, you know, who has been very
6 diligent, and -- as he always is, to transcribe. And notice he
7 did not even request a recess. So we're going to go forward on
8 that.

9 MR. COMPTON: All right. Your Honor --

10 THE COURT: Is there anything else?

11 MR. COMPTON: Your Honor, I have one.

12 THE COURT: Is there anything else?

13 MS. MERLE: I have one thing. I don't know if you
14 would want to hear from Dr. Carter, if the court were to rule
15 against the school district's motion, how long it would take to
16 get Carver put back together.

17 THE COURT: Well, since I have to consider all
18 alternatives, then -- and a brief statement then, Dr. Carter,
19 how long would it take?

20 DR. CARTER: Your Honor, it would be disruptive to the
21 children and the educators who have worked to transition
22 smoothly this year. We have been in school four days now, and
23 I have been in those buildings, and I'm watching the students
24 and the educators. They are bonding. We would have to
25 completely dismantle those two middle schools, to separate back

1 into three, and I don't have the staff to educate them in three
2 buildings.

3 So at this point, to disrupt them would mean I would have
4 to pull on some of those retired educators in the community,
5 who say that they are available. We would be back where we
6 were before. We would have children in classrooms for the sake
7 of a building but wouldn't necessarily have all of those
8 buildings staffed. Because I was able to combine classes
9 across those buildings. We did not have excessively large
10 numbers, and so it would be completely disruptive to the
11 students.

12 But if the court ordered that, I would figure out how to
13 make it happen.

14 THE COURT: Now, Mr. Markham suggested, by his
15 testimony, that one of the other schools be closed. What about
16 that?

17 DR. CARTER: And so what we would do at this point is
18 pick up another school, would place them in a smaller building
19 with no auditorium. We would have to figure it out, if that's
20 what the court ordered. And we would have to explain that that
21 was the decision that we have to follow. I just think it would
22 be disruptive to students.

23 We're looking at a decision regarding what's good for the
24 adults compared to what's good for students. And so to disrupt
25 the students and place them out of the environments that

1 they're now becoming accustomed to, I would do whatever I'm
2 ordered to do by the court, I just think it would be disruptive
3 to the students and staff members right now.

4 THE COURT: Mr. Markham, isn't that what you were
5 suggesting, that close one of the other schools?

6 MR. MARKHAM: Yes. She mentioned the auditorium now.
7 We used the gym. That was the gymnatorium.

8 THE COURT: Okay.

9 MR. MARKHAM: Since 1966 we used the gymnatorium.

10 THE COURT: Okay. Anything else, Ms. Cusick?

11 MS. MERLE: Your Honor, could I just briefly touch on
12 this since Dr. Carter brought in some new information? I would
13 just highlight for the court's consideration that the
14 disruption that Dr. Carter is alluding to is the result of the
15 school district's actions, and that the plaintiff should not be
16 prejudiced because the school district took their action
17 without first consulting the plaintiffs or this court. And so
18 I understand that there would have to be some moving around and
19 perhaps some disruption. I think the parties could figure out
20 a way to do it in a way that wasn't disruptive, but I don't
21 think the fact that the school district took steps without
22 court approval to weigh in their favor, for keeping the school
23 open if the court decides that that is not appropriate.

24 DR. CARTER: Your Honor, if I may. The district did
25 not know that it was acting outside of its rights to make a

1 decision regarding educating children. Or I'll say as
2 superintendent I didn't. So let me speak on my behalf. But
3 I'll close with that. I apologize.

4 THE COURT: Okay. Thank you.

5 Mr. Cusick, and then Mr. Compton.

6 Mr. Cusick, anything else?

7 MR. CUSICK: Nothing else, Your Honor.

8 Thank you.

9 THE COURT: All right. And, Mr. Compton, anything
10 else?

11 MR. COMPTON: No, Your Honor. Thank you.

12 THE COURT: All right. And I thank all y'all for the
13 spirited conversation on this important matter, and the court
14 will endeavor to acquire the extra information and make a
15 ruling as fast as possible.

16 It probably is going to be before that three-week mark
17 that I talked about, but I just said that in order to give a
18 target to shoot for. But I am confident that I will have
19 something for you then.

20 So thank you all very much.

21 And, Fred, let me know later how fast it is that you could
22 get the transcript.

23 And I thank you for being so patient, Fred, as you always
24 are.

25 So thank y'all very much. I'm disconnecting.

1 Bye now.

2 MS. MERLE: Thank you.

3 MR. CUSICK: Thank you, Your Honor.

4 (Proceedings concluded at 4:40 p.m.)

CERTIFICATE OF COURT REPORTER

I, Fred W. Jeske, RMR, CRR, Official Court Reporter for the United States District Court for the Southern District of Mississippi, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a correct transcript of the proceedings reported by me using the stenotype reporting method in conjunction with computer-aided transcription, and that same is a true and correct transcript to the best of my ability and understanding.

I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

S/***Fred W. Jeske***
FRED W. JESKE, RMR, CRR
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